

TWENTY-SECOND DAY.
(Monday, February 9, 1925.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Irwin.
Albritton.	Jacks.
Alexander	Jasper.
of Bastrop.	Johnson.
Alexander	Jordan.
of Limestone.	Kemble.
Atkinson.	Kenyon.
Avis.	Kinnear.
Baker of Orange.	Laird.
Baker of Panola.	Lane of Hamilton.
Barker.	Lane of Harrison.
Bartlett.	Lipscomb.
Bateman.	Loftin.
Bean.	Low.
Bedford.	Mankin.
Blount.	Masterson.
Bobbitt.	McBride.
Boggs.	McDonald.
Bonham.	McFarlane.
Brown.	McGill.
Cade.	McKean.
Carter.	Merritt.
Chitwood.	Montgomery.
Coffey.	Moore.
Conway.	Nicholson.
Coody.	Pavlica.
Covey.	Pearce.
Cox of Lamar.	Perdue.
Cox of Navarro.	Petsch.
Cummings.	Poage.
Dale.	Pope.
Daniels.	Rawlins.
Davis of Dallas.	Raymer.
Davis of Wood.	Renfro.
DeBerry.	Rice.
Dielmann.	Rogers.
Dinkle.	Rowell.
Donnell.	Rowland.
Downs.	Runge.
Dunlap.	Sanford.
Dunn of Falls.	Shearer.
Dunn of Hopkins.	Sheats.
Durham.	Simmons.
Enderby.	Simpson.
Faulk.	Sinks.
Fields.	Smith of Nueces.
Finlay.	Smith of Travis.
Florence.	Smyth.
Frnka.	Sparks.
Graves.	Stautzenberger.
Gray.	Stell.
Hagaman.	Stevens.
Hall.	Storey.
Harman.	Stout.
Harper.	Strong.
Hgh.	Teer.
Hollowell.	Thompson.
Hoskins.	Tomme.

Veatch.	Westbrook.
Wade.	Wester.
Walker.	Williamson.
Wallace.	Wilson.
Webb.	Woodruff.
Wells.	Young.

Absent.

Foster.	Purl.
Houston.	

Absent—Excused.

Amsler.	Kittrell.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Farrar.	Parish.
Hull.	Pool.
Jones.	Powell.
Justice.	Robinson.
Kayton.	Stevenson.
King.	Taylor.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Dunlap for today, on motion of Mr. Jacks.

Mr. Bryant for today, on motion of Mr. Albritton.

Mr. Taylor for today, on motion of Mr. Fields.

Mr. Barron for today, on motion of Mr. Runge.

Mr. McNatt for today, on motion of Mr. McFarlane.

Mr. Parish for today, on motion of Mr. Dunn of Falls.

Mr. Robinson for today, on motion of Mr. Sheats.

Mr. Powell for today, on motion of Mr. Wilson.

Mr. Bird for today, on motion of Mr. Loftin.

Mr. Amsler for today, on motion of Mr. Alexander of Bastrop.

Mr. McDougald for today, on motion of Mr. Tomme.

Mr. Jones for today, on motion of Mr. Strong.

Mr. Kayton for today, on motion of Mr. Pope.

The following members were granted leave of absence on account of sickness:

Mr. Hull for today, on motion of Mr. Cade.

Mr. Maxwell for today and the balance of the week, on motion of Mr. Poage.

Mr. Justice for today, on motion of Mr. Coody.

The following members were granted leave of absence on account of important committee work:

Messrs. Chitwood, Farrar, Irwin, Stevenson and King.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bean:

H. B. No. 402, A bill to be entitled "An Act to amend Section 1 of Chapter 85, House bill No. 81, enacted by the Thirty-sixth Legislature at its Third Called Session, creating the Kirbyville Independent School District in Jasper and Newton counties, Texas, correcting certain errors in the metes and bounds of said district, adding thereto Section 1a, validating bonds of said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Boggs:

H. B. No. 403, A bill to be entitled "An Act to create the Coahoma Independent School District in Howard county; providing a board of trustees therefor, vesting said Coahoma Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing for the validation of all current contracts of the said Common School District No. 2 as the subsisting obligations and acts of the Coahoma Independent School District, as created by this act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated as herein set out, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Smyth:

H. B. No. 404, A bill to be entitled "An Act to create the Oklahoma Independent School District in Parmer county, Texas, out of territory now comprising Common School District No. 10 of Parmer county, as heretofore created by the county board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties

conferred upon independent school districts incorporated under the general laws of Texas; providing that the said Oklahoma School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 10 of Parmer county; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Albritton:

H. B. No. 405, A bill to be entitled "An Act to amend Title 11, Chapter 6a, Article 588½ qq, of the Penal Code of the Revised Statutes of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the State-Wide Intoxicating Liquor Prohibition Law, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Webb:

H. B. No. 406, A bill to be entitled "An Act creating the Courtney Independent School District in Martin county, Texas; defining its boundaries, such boundaries to be the same as the Courtney School District No. 5 of Martin county; providing for a board of trustees in said district; conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees of the Courtney Common School District No. 5 shall continue in office until the first Saturday in April, 1925, or until their successors are elected and qualified; and providing that such trustees shall have the power to appoint four other trustees; providing for an election to be held on the first Saturday of April, 1925, to elect the successors of said trustees; providing for the levying, assessing and collecting of taxes annually; providing the title to all property within said district and all funds shall vest in the board of trustees of said Courtney

Independent School District and their successors in office, and creating an emergency."

Referred to Committee on School Districts.

By Mr. High and others:

H. B. No. 407, A bill to be entitled "An Act amending Section 35 of Chapter 207, of the Regular Session of the Legislature of the State of Texas of 1917, by defining the crime of homicide committed by reckless use of a motor vehicle; making the same a felony; prescribing the punishment therefor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Florence, Mr. Wilson, Mr. Rawlins and Mr. Wade:

H. B. No. 408, A bill to be entitled "An Act to authorize the commissioners court of the various counties of the State of Texas to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils or the public schools and to appropriate public funds in payment thereof."

Referred to Judiciary Committee.

By Mr. Rowland:

H. B. No. 409, A bill to be entitled "An Act amending Section 1, Chapter 53, Acts of the Thirty-fourth Legislature, so that provision is made that counties having an assessed taxable valuation of one hundred and forty million dollars or more shall have the right to issue bonds for the purpose of providing parks in such counties and to purchase lands for that purpose and providing a tax of five cents on the \$100 property valuation in order to pay the interest on such bonds and create sinking fund therefor, and further providing that such tax of five cents shall be in addition to all other taxes allowed to such counties by law."

Referred to Committee on Revenue and Taxation.

By Mr. Runge (by request):

H. B. No. 410, A bill to be entitled "An Act to create Mayer Common School District in Schleicher county, Texas, including therein the territory of the former Consolidated Common School District No. 2 of the said county; providing a board of trustees therefor; vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts incorporated under the general laws of Texas; and

providing for a board of trustees to serve until the time for the next election of school trustees as provided by general laws; providing for the validation of all contracts for the maintenance of the schools of the territory herein incorporated for the current scholastic year; providing for an election to determine as to the outstanding bonded indebtedness of the territory herein incorporated as herein set out; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on School Districts.

HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments:

By Mr. Veatch:

H. J. R. No. 16, Proposing to amend Section 4 of Article 15 of the Constitution of the State of Texas, by adding thereto a method of procedure in removing disabilities of any person removed from office in this State by impeachment proceedings, and restoring to such person the right to hold public office.

By Mr. Wilson:

H. J. R. No. 17, Proposing an amendment to the Constitution of the State of Texas prescribing qualifications for voting and who are qualified, abolishing the payment of a poll tax as a qualification for voting.

BILLS ORDERED NOT PRINTED.

On motion of Mr. DeBerry, Senate bills Nos. 179, 167, 227, 216, 162, 163, and House bills Nos. 385, 376, 352, 390, 371, 401, 363, 354 and 388 were ordered not printed.

On motion of Mr. Coffey, House bill No. 308 was ordered not printed.

On motion of Mr. Jacks, Senate bill No. 175 was ordered not printed.

NOTICES GIVEN.

Mr. Nicholson gave notice that he would, on tomorrow, ask to be taken up for consideration at that time, the motion to reconsider the vote by which House bill No. 91 failed to pass to engrossment, the motion to reconsider having heretofore been spread on the Journal.

Mr. Wallace gave notice that he would, on tomorrow, ask to be taken up for consideration at that time, House bill No. 100.

Mr. Kenyon gave notice that he would, on tomorrow, ask to be taken up for consideration at that time, House bill No. 114.

COMMUNICATION FROM STATE HIGHWAY DEPARTMENT.

The Speaker laid before the House and had read the following communication:

The State of Texas,

State Highway Department.

Austin, February 9, 1925.

Hon. Barry Miller, Lieutenant Governor, Senate Chamber, Austin, Texas; Hon. Lee Satterwhite, Speaker of the House, Austin, Texas.

Gentlemen: Our attention has been called to a resolution introduced in the House last Saturday by Mr. Smith of Travis, alleging irregularities in the conduct of this department, and calling for an investigation. We understand that this resolution is to come up for consideration some time today.

The retiring members of the State Highway Commission—Mr. R. M. Hubbard and Mr. D. K. Martin—are not in Austin at this time, but I have been in touch with them by wire and am authorized to say that any investigation the Legislature might care to make will be welcomed, and every assistance will be given, and all information gladly furnished.

In view of the fact that Mr. Hubbard and Mr. Martin will retire from office at the end of the present week, and also that the undersigned has not, and will not, make application for reappointment as State Highway Engineer, in our own behalf we respectfully request and urge that the proposed investigation be made, and be made at once, so that it may be completed, if at all possible, before the present Commission goes out of office.

Yours very truly,
GIBB GILCHRIST,
State Highway Engineer.

RELATING TO AVAILABLE SCHOOL FUND.

Mr. Blount offered the following resolution:

Whereas, Responsibility for the conduct of the public service rests, primarily, upon the legislative branch of the State government; and

Whereas, Legislative action, to be deserving of the public confidence, should essentially be based in an intelligent understanding of all facts and circumstances pertaining thereto; and

Whereas, In the light of the public confidence reposed in us as members, respectively, of the legislative body of Texas, and apart from all other considerations, it being not alone our privilege, but our duty as legislators, to fully acquaint ourselves with all facts pertaining to the administration of any and all departments of the State government; and

Whereas, Imposition of the tax burden and distribution of revenues arising therefrom are purely legislative functions; and

Whereas, The House of Representatives of the Thirty-ninth Legislature has committed itself to a legislative policy to the end that, for the two years beginning September 1, 1925, and ending August 31, 1927, there shall be provided an available free school fund sufficient to apportion to the several counties a scholastic per capita sum, each year, of fifteen dollars (\$15); and

Whereas, That such policy may successfully and intelligently be carried forward, it is both essential and in accordance with sound business principles that the Committee on Appropriations first secure from the Department of State Comptroller, the State Treasury Department, and the State Department of Education an exact statement of—

All revenues arising from all sources, constitutional and otherwise, payable or transferable to available school fund for the fiscal year ending August 31, 1924;

Balance to credit of available school fund at beginning of fiscal year September 1, 1923 and September 1, 1924;

Balance to credit of available school fund February 1, 1925;

Amount payable to available school fund out of general revenue for the year ending August 31, 1925, which of date, February 1, 1925, had not as yet been transferred;

Estimated amounts to be received from present sources for account of the available school fund for the remainder of fiscal year ending August 31, 1925;

Actual amounts received from all sources, other than legislative appropriation, for the months, respectively, February, March, April, May, June, July and August, 1924;

Average monthly aggregate apportionment to the public free schools;

Amount set aside or transferred to

text book account subsequent to September 1, 1924;

Amount available for text book account February 1, 1925, without further transfer from the available school fund;

Amounts actually expended by months for account of text books subsequent to September 1, 1924;

Amount estimated to be required for text book account for balance of present fiscal year;

Amount actually expended for text books for the fiscal years ending August 31, 1922; August 31, 1923, and August 31, 1924;

If for any reason cost of text books under present contracts exceed that under older contracts, ascertain the reason therefor;

Number, condition, and approximate value of books burned, or otherwise destroyed, subsequent to new adoptions;

The reason, if any there was, or if no reason, the excuse for the burning of books which, in negotiating new contracts, had been considered valuable and, as value, entered into consideration for purchase of new adoptions; therefore, be it

Resolved, That for the purpose of securing such information as may be necessary or useful in the interest of good public service, the chairman of the House Appropriations Committee is hereby authorized and directed to employ for a period not to exceed fifteen days, a C. P. A. accountant, whose services shall be paid for, as approved by said chairman, out of the contingent fund of the Thirty-ninth Legislature; and, be it further

Resolved, That nothing herein contained is intended, or to be construed, as reflecting upon any officer or employee now, or heretofore, in the public service; it being the sole purpose, in accordance with business principles, and in performance of public duty, to secure information such as may be useful, both to the present Legislature and to those which, in the wisdom of the people, may assemble in the years to follow.

The resolution was read second time and was adopted.

RELATING TO PORTRAIT OF HON. F. A. SCHLICK.

Mr. Hoskins offered the following resolution:

Whereas, The late Hon. F. A. Schlick, a former member of this House, was author of the Pasteur Institute bill; and

Whereas, His friends desire to present

a picture of him to the Pasteur Institute; and

Whereas, Hon. W. M. Atkinson of Gonzales has consented to make the presentation speech and Senator A. J. Wirtz of Seguin has consented to make the speech of acceptance; therefore be it

Resolved, That they be invited to address the House at the presentation ceremonies at 3 p. m., February 20, 1925.

The resolution was read second time and was adopted.

RELATING TO ABSENT MEMBERS.

Mr. Cox of Lamar offered the following resolution:

Whereas, It is necessary to have a hearty cooperation of the members of the House in order to accomplish as speedily as possible necessary legislation; therefore be it

Resolved, That this House shall assist in every way possible the Appropriations Committee, to whom important legislation is now pending; be it further

Resolved, That each member of every committee be prompt in his attendance and give careful attention to the subject matter of each bill so if the author should be absent when the bill is up for consideration any member of the committee could promptly inform the House of the subject matter and the purpose of the bill in order that we may complete our labors in sixty days and adjourn and go home; and

Whereas, This House has been running on barely a quorum for the last ten days on account of members being excused on important business; therefore be it further

Resolved by this House, That any member who is excused on important business shall not be entitled to pay for the days he is absent from his duties here.

The resolution was read second time.

Mr. Kemble raised a point of order on consideration of the resolution at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

RELATING TO STATE HIGHWAY DEPARTMENT.

The Speaker laid before the House for consideration at this time, the resolution by Mr. Smith of Travis, relating to the State Highway Department, the res-

olution having heretofore been read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—94.

Acker.	Jordan.
Albritton.	Kenyon.
Alexander	King.
of Bastrop.	Kinnear.
Alexander	Laird.
of Limestone.	Lane of Hamilton.
Atkinson.	Lane of Harrison.
Avis.	Mankin.
Baker of Panola.	Masterson.
Barker.	McBride.
Bartlett.	McDonald.
Bateman.	McFarlane.
Bean.	McKean.
Bedford.	Merritt.
Bobbitt.	Montgomery.
Boggs.	Moore.
Bonham.	Nicholson.
Brown.	Pavlica.
Cade.	Pearce.
Carter.	Perdue.
Chitwood.	Petsch.
Coffey.	Poage.
Conway.	Pope.
Coody.	Rawlins.
Covey.	Raymer.
Cox of Lamar.	Rogers.
Dale.	Rowland.
Davis of Dallas.	Runge.
Davis of Wood.	Sanford.
DeBerry.	Sheats.
Dielmann.	Simmons.
Dinkle.	Simpson.
Donnell.	Smith of Nueces.
Downs.	Smith of Travis.
Dunn of Falls.	Sparks.
Dunn of Hopkins.	Stautzenberger.
Durham.	Stell.
Enderby.	Stevens.
Fields.	Stevenson.
Frnka.	Thompson.
Graves.	Walker.
Gray.	Webb.
Hagaman.	Wells.
Harman.	Westbrook.
Harper.	Wester.
High.	Williamson.
Hollowell.	Wilson.
Hoskins.	Woodruff.
Jacks.	Young.

Nays—10.

Daniels.	Shearer.
Hall.	Sinks.
Johnson.	Storey.
Low.	Stout.
McGill.	Veatch.

Present—Not Voting.

Baker of Orange.	Kemble.
Faulk.	Lipscomb.
Finlay.	Rowell.
Jasper.	

Absent.

Blount.	Purl.
Cox of Navarro.	Renfro.
Cummings.	Rice.
Florence.	Smyth.
Foster.	Strong.
Houston.	Teer.
Irwin.	Tomme.
Kittrell.	Wade.
Loftin.	Wallace.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Pool.
Hull.	Powell.
Jones.	Robinson.
Justice.	Taylor.

PROVIDING FOR TEXAS PIONEERS' DAY.

Mr. Williamson, on last Saturday, offered the following resolution:

H. C. R. No. 12, Providing for "Texas Pioneers' Day."

Resolved, by the House of Representatives, the Senate concurring, that the 12th of August of each year hereafter shall be designated and observed as Texas Pioneers' Day, and the Governor of Texas shall issue a proclamation at least thirty days in advance of such date each year, in which he shall call upon the people of the State of Texas to assemble in mass meetings, preferably to be held in the open air and in the form of pioneers' picnics and old settlers' reunions and similar celebrations, to do honor to the memory of the heroic pioneers who by their sacrifices and hardships converted the primeval wilderness into the great empire of peace and plenty which we today enjoy; be it further

Resolved, That the purpose of these celebrations shall be patriotic and educational, to preserve the traditions and memories of pioneer days, and no wise of a political, sectarian or partisan nature; be it further

Resolved, That the State Association of Texas Pioneers is hereby requested to assume the initiative in the organization of pioneer day celebrations each year and to prepare and circulate suitable

program for the observance of the same; be it further

Resolved, That nothing in this resolution shall be construed to make Texas Pioneer Day a legal holiday.

The resolution was read second time and was adopted.

BILL RECOMMENDED.

On motion of Mr. Jacks, House bill No. 297 was recommitted to the Committee on Public Health.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 109, "An Act creating the Ben Bolt Independent School District in Jim Wells county, Texas; defining its boundaries, providing a board of seven trustees, and for the election of their successors; investing said district and its trustees with full powers, privileges and duties as provided by general laws for school districts incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes; authorizing the commissioners court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in the election for county board members, and declaring an emergency."

S. B. No. 108, "An Act creating the Jarrell Common School District No. 12 in Nueces county, Texas, by redefining the boundaries of and adding to said Jarrell Common School District certain territory lying north of and adjacent to Jarrell Common School District, and now embraced in the Petronila Common School District No. 7, in Nueces county, Texas, and providing that the entire Jarrell Common School District No. 12 as herein created, may by an election held for that purpose, assume and become liable for all legal indebtedness properly chargeable to that portion of said district formerly belonging to Petronila Common School District No. 7 and provided for by the provisions of this act; and providing for the issuance of bonds and the levy of a tax therefor, and providing for levy of maintenance tax for support of the public schools

within said district as authorized under the general laws of this State; continuing in office the present trustees until the next regular trustee election; providing for election of trustees and conferring upon said trustees all the rights, powers, duties and authority conferred upon common school district trustees by the general laws of Texas; validating all bonds heretofore issued and all tax heretofore voted; repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

H. B. No. 122, "An Act validating the proceedings of the county school trustees of Jim Wells county, Texas, in changing the boundaries of Alice Independent School District in said Jim Wells county, and validating all proceedings had with respect to levying a tax of \$1 upon the \$100 valuation of all the taxable property in said school district, and validating all proceedings had with reference to the issuance of \$75,000 of school building bonds and authorizing their issuance, and repealing all laws in conflict, and declaring an emergency."

H. B. No. 172, "An Act to create the Caddo Independent School District in Stephens county, Texas, including therein the present Caddo Common School District No. 10; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas, and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general laws, and declaring an emergency."

S. B. No. 111, "An Act creating the Palito Blanco Independent School District in Jim Wells county, Texas; defining its boundaries, providing a board of five trustees, and for the election of their successors; investing said district and its trustees with full powers, privileges and duties as provided by the general laws for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district; authorizing the levy and collecting of taxes for certain purposes; authorizing the commissioners court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in

the election for county board members, and declaring an emergency."

H. B. No. 139, "An Act providing for the development and improvement of navigation of the inland coastal waters of this State pursuant to Section 59 of Article XVI of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provision; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds and the levying and collection of necessary taxes for such purposes; providing all things necessary and incident to such purpose and subject."

S. B. No. 186, "An Act repealing Sections 1 to 14, both numbers inclusive, of Chapter 115, Special Laws enacted by the Regular Session of the Thirty-third Legislature, approved March 31, 1913, and Chapter 114, Acts Thirty-fifth Legislature, 1917, same being an act creating more efficient road system for Zavalla county, Texas; adopting for said county the general laws of the State in relation to the issuance of bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes or in aid thereof; validating Road District No. 4 and bond elections heretofore held, and declaring an emergency."

H. B. No. 141, "An Act creating and incorporating Holliday Independent School District, in Archer county, Texas, defining its boundaries; conferring upon said school district all the powers, rights, privileges and duties as are conferred and imposed by the general laws of the State of Texas upon independent school districts; providing for a board of trustees for said school district to consist of seven persons, and prescribing the qualifications and term of office for members thereof; vesting said trustees and said board of trustees with all the rights, powers, privileges and duties as are conferred and imposed by the general laws of the State of Texas upon trustees and boards of trustees of independent school districts; vesting the management and control of the public free schools in said school district in said board of trustees as provided in this act; providing for the election of a board of trustees and their successors in office; providing that said board of trustees shall be a body politic and corporate in law, and as such may contract and be contracted with, may sue and be sued, may plead and be impleaded, and may receive any gift, grant, donation or devise made to and

for the use and benefit of the public free schools in said school district."

H. B. No. 5, "An Act creating and incorporating Common School District No. 16, of Jefferson county, Texas; defining and determining the boundaries of said school district; prescribing the manner of changing and modifying the boundaries of said school district, conferring upon said school district, except as otherwise provided in this act, all the rights, powers, privileges and duties as are conferred and imposed by the general laws of this State upon common school districts; providing for a board of district trustees and prescribing the qualifications for members thereof; continuing in office the district trustees of the previously existing common school district until the expiration of their respective terms of office and until their successors are elected and qualified under the general laws of this State; vesting the board of district trustees, except as otherwise provided in this act, with all the rights, powers, privileges and duties that are conferred and imposed by the general laws of this State upon district trustees of common school districts; vesting the management and control of the public free schools in said school district in a board of district trustees consisting of three members; providing that the board of district trustees shall be a body politic and corporate in law, may contract and be contracted with, may sue and be sued, may plead and be impleaded, and may receive any gift, grant, donation or devise for the use and benefit of the public free schools in said school district; vesting in said school district, its board of district trustees and their successors in office, the absolute title to all property and school funds heretofore vested in and belonging to the previously existing common school district; validating all maintenance taxes heretofore voted and levied in said previously existing common school district and continuing the same in full force and effect until modified as provided in this act; validating all bonds issued and all bond taxes levied for and on behalf of said previously existing common school district; authorizing the issuance of bonds and limiting the rate of maintenance tax and the rate of bond tax that may be voted, levied, assessed and collected in said school district; prescribing the purposes for which maintenance taxes and bond taxes are authorized by this act and the disposition of the funds derived from said taxes; providing that this act shall not impair or invalidate any bonds, contracts, obli-

gations and debts of the previously existing common school district; providing that all the bonds, contracts, obligations and debts of said previously existing common school district shall constitute valid and binding obligations upon said school district as created by this act; providing that said school district shall assume, pay off and discharge all bonds, contracts, obligations and debts of said previously existing common school district; providing that this act shall, except as herein otherwise provided, be cumulative of all general laws of this State applicable to common school districts, and that in case of conflict the provisions of this act will control; repealing all laws and parts of laws in so far as they are or may be in conflict with this act; providing that in case any clause, section or sections of this act shall be held by the courts to be ineffective or unconstitutional, such decision by the courts shall not affect or invalidate the remaining sections and provisions of this act, and declaring an emergency."

H. B. No. 152, "An Act validating Common School District No. 3, of Hudspeth county, and validating a maintenance-tax election heretofore held by said district; defining the powers of the county board of school trustees of Hudspeth county, of said district, and declaring an emergency."

H. B. No. 160, "An Act to create the Muleshoe Independent School District in Bailey county, Texas; including the present Muleshoe Consolidated Common School District No. 1, of said county, and also including Sections 22 and 23, in Block Y out of Hurley Common School District No. 1, of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Muleshoe Consolidated Common School District No. 1 shall continue to act as such until their successors are elected in accordance with the general laws of Texas; providing board of trustees to have power to appoint a tax assessor and collector and board of equalization of said district; providing that outstanding bonds shall remain chargeable against the territory which voted same, and providing that the local tax assessment as heretofore existing in the Muleshoe Consolidated School District herein created; repealing all laws

in conflict therewith, and declaring an emergency."

HOUSE BILL NO. 4 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 4, A bill to be entitled "An Act releasing the inhabitants of and property of Cameron county for a period of twenty-five years from the payment of taxes levied for State purposes because of great public calamities in said county, as provided in Section 10, Article VIII of the State Constitution, and providing that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of the county to vote such bonds by or before October 1, 1926, said act shall become null and void, and said taxes shall be collected in the usual manner and paid into the State Treasury, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Young moved the previous question on the engrossment of the bill and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 4 then failed to pass to engrossment by the following vote:

Yeas—55.

Acker.	Jacks.
Alexander	Johnson.
of Bastrop.	Jordan.
Baker of Orange.	Kenyon.
Baker of Panola.	Lane of Harrison.
Bateman.	Lipscomb.
Bean.	Masterson.
Bobbitt.	McBride.
Bonham.	Montgomery.
Cade.	Nicholson.
Chitwood.	Petsch.
Coody.	Pope.
Cox of Lamar.	Raymer.
Cummings.	Rowland.
Daniels.	Sanford.
Dielmann.	Shearer.
Dinkle.	Sheats.
Donnell.	Simmons.
Downs.	Sinks.
Faulk.	Smith of Nueces.
Finlay.	Smith of Travis.
Graves.	Sparks.
Hagaman.	Stell.
Hall.	Stevenson.
Hoskins.	Strong.
Irwin.	Wade.

Wells.
Williamson.

Wilson.
Woodruff.

Nays—57.

Albritton.	Laird.
Atkinson.	Lane of Hamilton.
Barker.	Mankin.
Bartlett.	McDonald.
Bedford.	McFarlane.
Boggs.	McKean.
Brown.	Merritt.
Carter.	Moore.
Coffey.	Pavlica.
Conway.	Pearce.
Covey.	Perdue.
Dale.	Poage.
Davis of Wood.	Rawlins.
DeBerry.	Rice.
Dunn of Falls.	Rogers.
Dunn of Hopkins.	Simpson.
Durham.	Stautzenberger.
Enderby.	Stevens.
Fields.	Teer.
Florence.	Thompson.
Gray.	Tomme.
Harman.	Veatch.
Harper.	Walker.
Hollowell.	Wallace.
Jasper.	Webb.
Kemble.	Westbrook.
King.	Wester.
Kinnear.	Young.

Present—Not Voting.

High. Rowell.

Absent.

Alexander	Kittrell.
of Limestone.	Loftin.
Avis.	Low.
Blount.	Purl.
Cox of Navarro.	Renfro.
Davis of Dallas.	Runge.
Foster.	Smyth.
Frnka.	Storey.
Houston.	

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Farrar.	Parish.
Hull.	Pool.
Jones.	Robinson.
Justice.	Taylor.

Paired.

Mr. McGill (present), who would vote "nay," with Mr. Dunlap (absent), who would vote "yea."

Mr. Stout (present), who would vote "nay," with Mr. Powell (absent), who would vote "yea."

Mr. McFarlane moved to reconsider

the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54.

Albritton.	Lane of Hamilton.
Atkinson.	Mankin.
Avis.	McBride.
Barker.	McDonald.
Bartlett.	McFarlane.
Bateman.	McGill.
Bedford.	McKean.
Boggs.	Merritt.
Brown.	Pavlica.
Carter.	Pearce.
Coffey.	Perdue.
Covey.	Poage.
Cox of Lamar.	Rice.
Dale.	Rogers.
Davis of Dallas.	Rowell.
Davis of Wood.	Simmons.
DeBerry.	Simpson.
Durham.	Stautzenberger.
Fields.	Stevens.
Gray.	Thompson.
Hagaman.	Tomme.
Harman.	Veatch.
Harper.	Walker.
Johnson.	Wallace.
Kemble.	Webb.
King.	Westbrook.
Kinnear.	Wester.
Laird.	

Nays—60.

Acker.	Hollowell.
Alexander	Hoskins.
of Bastrop.	Irwin.
Alexander	Jasper.
of Limestone.	Jordan.
Baker of Orange.	Kenyon.
Baker of Panola.	Lane of Harrison.
Bean.	Lipscomb.
Bobbitt.	Masterson.
Bonham.	Montgomery.
Cade.	Moore.
Chitwood.	Nicholson.
Conway.	Petsch.
Coody.	Pool.
Daniels.	Pope.
Dielmann.	Raymer.
Dinkle.	Renfro.
Donnell.	Rowland.
Downs.	Sanford.
Dunn of Falls.	Shearer.
Dunn of Hopkins.	Sheats.
Enderby.	Sinks.
Faulk.	Smith of Nueces.
Finlay.	Smith of Travis.
Florence.	Sparks.
Graves.	Stell.
Hall.	Stevenson.
High.	Strong.

Teer.	Williamson.
Wade.	Wilson.
Wells.	Woodruff.

Present—Not Voting.

Rawlins.

Absent.

Blount.	Loftin.
Cox of Navarro.	Low.
Cummings.	Purl.
Foster.	Runge.
Frnka.	Smyth.
Houston.	Storey.
Jacks.	Stout.
Kittrell.	Young.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

HOUSE BILL NO. 272 ON SECOND READING.

On motion of Mr. Wilson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 272, A bill to be entitled "An Act requiring establishments, buildings or rooms where food is manufactured, cooked, prepared or stored, for sale, or sold, or distributed to the public, to be kept or maintained in a clean, healthful and sanitary condition, and defining what is meant by unclean, unhealthful and unsanitary conditions; requiring the doors, windows and other openings of such establishments, buildings, room or rooms, during the fly season, to be screened, unless adequately protected from flies, or other insects, by electric fans; making it unlawful to use or maintain a toilet, commode, urinal or other similar device in a room where food is manufactured, cooked, prepared, or stored, for sale, or sold, served or distributed to the public, and making it unlawful to use or maintain such toilet room which opens directly into a room where food is thus dealt in; making it unlawful for any person or persons to sleep or maintain living quarters in such rooms, and prohibiting persons affected with infectious or contagious disease or diseases from working therein; prescribing the duties and powers of State, county and city health officers; defining what is meant by food;

making it unlawful for any person, firm, corporation, joint stock association or agent engaged in the business of compounding or preparing medicine to sell, offer to sell, expose for sale, or deliver for sale, for human consumption, any food cooked, or prepared, or delivered prepared by such person, persons, firm, corporation, joint stock association or agent in or on the establishment, building, place of business or room where such prescriptions are filled or such medicine is compounded or prepared or delivered prepared, and making it unlawful for any person, firm, corporation, joint stock company, association or agent to sell, expose for sale, offer for sale, or to sell, any such food in the same establishment, building, place of business or room where such prescriptions are filled or such medicine is compounded or prepared or delivered prepared; prescribing a penalty, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

HOUSE BILL NO. 76 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 76, A bill to be entitled "An Act to regulate the taking of certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper, prescribing resident, non-resident and alien trapper's licenses; defining fur dealer; prescribing fur dealer's license; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; defining tenant; regulating the season; providing for disposition of funds; prescribing penalty for violations; providing for enforcement, and declaring an emergency."

The bill was read second time.

Mr. Baker of Orange offered the following (committee) amendments to the bill:

(1)

Amend Section 5, by adding the words, "and in addition thereto, the right to license shall be forfeited for a period of two (2) years."

(2)

Amend Section 6, by adding in the second paragraph, after the word "state"

in the second line, "of the United States of America."

(3)

Amend Section 8, by adding in the second line, after the word "take," the words, "from their premises."

(4)

Amend Section 1, by adding after the words "wild opossum" the words "wild fox, and wild civet cat."

(5)

Making Section 11 read as follows: "It shall be unlawful for any person to kill or take any of the wild fur-bearing animals, muskrats excepted, or other pelts permitted to be killed or taken by this act, for sale or barter, between the first day of February and the thirtieth day of November of any year, both days included, in the closed season. The prohibited or closed season on muskrats shall be from March 15 to November 15."

(6)

Making Section 13 read as follows: "It shall be unlawful for any person to trap, or set any trap or deadfall on the inclosed lands of another without the consent or permission of the owner of said land."

Section 14 shall read as follows: "It shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed lands of another, or be in possession of a muskrat or the hide of such animal, without the consent of the owner or lessee of such lands to trap thereon, provided that such person may, in relief against this provision, show a rightful, legal possession of such muskrats or the hides of such animals."

Section 15 shall read as follows: "It shall be unlawful for any person to destroy the beds, nests or breeding places of any muskrat or muskrats, or to take or kill any of such animals except by trapping; provided, however, that any person shall have the right to kill such animal upon his own premises at any time and by any means."

Section 16 shall read as follows: "It shall be unlawful for any person to purchase the hide or furs of muskrats on the land of another, taken or trapped on the land of another, from any person other than the owner of such land or the duly authorized agent of such owner."

Section 17 shall read as follows: "By inclosed land is meant any land inclosed

by a fence or fences or by water or partly by fence and partly by water, or by any barrier, natural or artificial, that is used by owners as methods or means of inclosure."

Section 18 shall read as follows: "Posted land within the meaning of this act shall have signs at the gate or gates and any streams entering said inclosure reading 'Posted' in a conspicuous place, shall be deemed posted within the meaning of this act."

(7)

Amending caption so as to read:

"An Act relative to fur-bearing animals; regulating, licensing and controlling the taking, trapping, killing and handling such animals and the buying, selling, trading in, dealing in, or handling of the pelts or furs of such animals; enacting the provisions, offenses, penalties, regulations and requirements necessary and incident to such subject and purpose; regulating the taking of certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper, prescribing resident, non-resident, and alien trappers' licenses; defining fur dealer, prescribing fur dealer's license and designating dealer's duties; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; regulating the season; providing for disposition of funds; designating certain illegal acts; defining inclosed lands; defining posted land; prescribing penalty for violation; providing for enforcement, and declaring an emergency."

The amendments as amended were severally adopted.

Mr. Baker of Orange offered the following amendment to the bill:

Renumber the remaining sections of original bill, in accordance with amended sections.

Mr. Baker of Orange offered the following amendment to the amendment:

Amend (committee) amendment No. 8, H. B. No. 76, page 7, line 24, by adding after the word "sections," omitting the period, the following: "so that Sections Nos. 13, 14, 15, 16, 17, 18, 19 and 20 of the original bill shall, in the bill as amended by the committee, read as Sections Nos. 19, 20, 21, 22, 23, 24, 25 and 26, respectively."

The amendment to the amendment was adopted.

Committee amendment No. 8 as amended was then adopted.

Mr. Sanford offered the following amendment to the bill:

Amend House bill No. 76, page 3, Section 10, line 32, by adding after the words "wild otter" the words "wild fox."

The amendment was adopted.

Mr. McFarlane offered the following amendment to the bill:

Amend House bill No. 76 by adding at the end of Section 12 the following: "Provided that the fees collected under the terms of this bill, which are to go to the State Game, Fish and Oyster Commission, shall instead go to the general revenue fund of the State."

Mr. Simpson moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—68.

Acker.	Lane of Hamilton.
Albritton.	Lane of Harrison.
Alexander	Low.
of Bastrop.	McBride.
Atkinson.	McDonald.
Avis.	McFarlane.
Barker.	McGill.
Bartlett.	Merritt.
Bateman.	Moore.
Bean.	Pavlica.
Bedford.	Pearce.
Bonham.	Perdue.
Cade.	Poage.
Chitwood.	Pope.
Coffey.	Rice.
Conway.	Rogers.
Coody.	Rowell.
Cox of Lamar.	Sheats.
Dale.	Simmons.
Davis of Dallas.	Simpson.
Davis of Wood.	Smith of Nueces.
Dinkle.	Smith of Travis.
Donnell.	Stautzenberger.
Downs.	Stell.
Durham.	Stevens.
Enderby.	Stevenson.
Fields.	Stout.
Frnka.	Strong.
Graves.	Thompson.
Harman.	Tomme.
High.	Veatch.
Hoskins.	Webb.
Johnson.	Westbrook.
King.	Wester.
Kinnear.	Woodruff.
Laird.	

Nays—35.

Baker of Orange.	Bobbitt.
Baker of Panola.	Boggs.

Covey.	Masterson.
Cox of Navarro.	McKean.
Cummings.	Montgomery.
DeBerry.	Nicholson.
Dunn of Falls.	Petsch.
Faulk.	Pool.
Finlay.	Rawlins.
Florence.	Raymer.
Gray.	Rowland.
Hollowell.	Sanford.
Irwin.	Shearer.
Jasper.	Sparks.
Jordan.	Storey.
Kemble.	Wells.
Kenyon.	Williamson.
Mankin.	Wilson.

Present—Not Voting.

Carter.

Absent.

Alexander	Kittrell.
of Limestone.	Lipscomb.
Blount.	Loftin.
Brown.	Purl.
Daniels.	Renfro.
Dielmann.	Runge.
Dunn of Hopkins.	Sinks.
Foster.	Smyth.
Hagaman.	Teer.
Hall.	Wade.
Harper.	Walker.
Houston.	Wallace.
Jacks.	Young.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

Mr. McFarlane moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE TO INVESTIGATE STATE HIGHWAY DEPARTMENT.

The Speaker announced the appointment of the following committee in compliance with resolution providing for the investigation of the Highway Department:

Messrs. Teer, Williamson, Smith of Travis, Jacks and Lane of Harrison.

RECESS.

Mr. Harman moved that the House recess until 2 o'clock p. m. today.

Mr. Tomme moved that the House recess until 3 o'clock p. m. today.

The motion of Mr. Harman prevailed and the House, accordingly, at 12 o'clock m., took recess until 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 76 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 76, relating to fur-bearing animals, on its passage to engrossment.

The bill having heretofore been read second time.

Mr. Nicholson offered the following amendment to the bill:

Amend House bill No. 76, Section 10, page 3, line 31, by adding after the word "possession" the following: "for barter or sale."

The amendment was adopted.

Mr. Nicholson offered the following amendment to the bill:

Amend House bill No. 76, line 34, Section 11, page 3, by inserting after the word "take," the following: "for sale or barter."

The amendment was adopted.

House bill No. 76 was then passed to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Wallace, House bill No. 249 was set as a special order for 11 o'clock a. m. tomorrow.

HOUSE BILL NO. 272 ON ENGROSSMENT.

The Speaker laid before the House, as pending business, on its passage to engrossment, House bill No. 272, relating to sanitary conditions where food is prepared.

The bill having heretofore been read second time.

Mr. Sinks offered the following amendment to the bill:

Amend by striking out the enacting clause of the bill.

The amendment was adopted.

HOUSE BILL NO. 38 ON SECOND READING.

On motion of Mr. Brown, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 38, A bill to be entitled "An Act making provision for a better system of schools in the various counties of this State; providing for rural high school districts and elementary school districts; providing the method of forming such districts and providing the manner in which school districts may be included in such rural high school districts and elementary school districts; providing for the necessary taxation and funds to carry out such purposes, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Brown offered the following (committee) amendment to the bill:

Amend House bill No. 38 by striking out all after the enacting clause and inserting therefor the following:

Section 1. In each organized county in this State and in any county which shall hereafter be organized, the county board of school trustees shall have the authority to form one or more rural high school districts, by grouping contiguous common school districts having less than four hundred scholastic population and independent school districts having less than one hundred and fifty scholastic population, for the purpose of establishing and operating rural high schools. Provided, also, that the county board may annex one or more common school districts to a common school district having four hundred or more scholastic population or to an independent district having one hundred and fifty or more scholastic population, upon the approval of the board of trustees of the common school district having four hundred or more scholastic population, or of the independent district having one hundred and fifty or more scholastic population, as the case may be; providing that when one or more common school districts are so annexed to a common school district having four hundred or more scholastic population, or to an independent district having one hundred and fifty, or more scholastic population, as the case may be, a board of trustees shall be elected from the district at large and shall have the management and control of the schools thereof; provided, however, that the existing board of trustees of the said common or independent district shall have control of the district as enlarged until the time for the next election and qualifications of trustees for common and independent districts, as provided by general law.

Sec. 2. Rural high school districts as provided for in Section 1 of this act shall be classed as common school dis-

tricts, and all other districts, whether common or independent composing such rural high school district shall be referred to in this act as elementary school districts; provided that all independent school districts enlarged by the annexation thereto of one or more common school districts as provided for in Section 1 of this act shall retain its status and name as an independent school district, and shall continue to operate as an independent school district under the provisions of the existing laws and the laws hereafter enacted governing other independent school districts, except as otherwise provided for herein.

Sec. 3. No rural high school district, as provided for herein, shall contain a greater area than one hundred square miles, or more than seven elementary school districts, except that the county school board of school trustees may form rural high school districts, as provided in Section 1, containing more than one hundred square miles, upon a vote of a majority of the qualified electors in the said proposed rural high school district voting at an election called for such purpose; and provided further, that the said board of county school trustees may form a rural high school district containing more than seven elementary districts upon a vote of a majority of the qualified voters in each of the elementary districts within such proposed rural high school district.

Sec. 4. The county board of trustees of two or more adjoining counties shall have the authority, upon the written order of a majority of the members of each county board concerned, to establish a county line rural high school district, and to designate the county which shall have supervision of said county line rural high school district. Said county line rural high school district shall be governed as other rural high school districts herein provided for.

Sec. 5. The control and management of the schools of a rural high school district, established under the provisions of this act, shall be vested in a board of seven trustees, elected by the qualified voters of the said district at large, who shall be elected and serve in accordance with the provisions of general law relative to common school districts, except as may be otherwise provided herein; and provided that each elementary district included in such rural high school district must be the residence of at least one member of said board. Any vacancy shall be filled for the unexpired term by appointment by the county board of trustees. Pro-

vided that for a rural high school district formed with more than one hundred square miles of territory, or containing more than seven elementary districts, as provided in this act, the board of trustees, as herein provided for, shall be elected from the district at large. Should any rural high school district fail to elect a trustee or trustees as provided for in this act, the county board of trustees shall appoint said trustee or trustees. Four of said trustees shall be elected each odd number of years and three on each even number of years on the first Saturday in April. The trustees of the first board shall draw for terms. In the event a rural high school district is created subsequent to the date for the election of trustees of common school districts, as provided by general law, it shall be the duty of the county board to appoint a board of trustees for the district, as prescribed herein, to serve until the next date for the election of common school district trustees. In the election of rural high school district trustees, at least one voting box shall be provided in each elementary district composing the high school district.

The present board of trustees of all elementary school districts which may be included within a rural high school district, as herein provided, shall continue in control of their respective districts until the close of the current scholastic year, but they shall make no contract affecting the expenditure of any school funds subsequent to September 1, 1925, nor shall they have any other authority in the management and control of the schools of the said districts after September 1, 1925. The boards of trustees of rural high school districts shall immediately upon their election and organization proceed to make contracts for the operation of all schools under their control. The first board of trustees herein provided for shall be elected on the first Saturday in April, 1925, and annually thereafter an election shall be held as provided for by law for holding trustee elections in common school districts.

Sec. 6. The county board of school trustees shall not have the authority to abolish or consolidate any elementary school district already established except upon the vote of a majority of the qualified electors residing in such elementary district; provided that when any school within an elementary district fails to have an average daily attendance the preceding year of at least twenty pupils it may be discontinued by the board of trustees of said rural high

district, and said district may be consolidated by the county board of school trustees with some other district or districts for elementary school purposes; provided that if there is more than one white or one colored school in such elementary school district the board of trustees of the said rural high school district or an independent district, as the case may be, may consolidate such white or colored schools of the elementary district; and provided that the board of trustees of a rural high school district may transfer the pupils of one elementary district to another within the rural high school district, when the transfer is made from an elementary district of lower classification to one of higher classification; and provided further that the board of trustees of a rural high school district may transfer pupils from an elementary district to any other elementary district within the rural high school district upon application of the parents or guardian of the said pupils.

Whenever one or more common school districts are annexed to a common school district or to an independent district under the provisions of Section 1, such common or independent district shall maintain elementary schools of such classification as the county board may designate in each district so annexed, for the same length of term provided for the schools of the said common school district or independent district. Provided such schools may be discontinued by the local board of trustees when the average daily attendance of any such schools for the preceding year is less than 20.

Sec. 7. The county board of school trustees shall classify the elementary schools in each rural high school district and designate the number of grades that shall be taught in such schools and when such classification is made the board of trustees of the rural high school district shall maintain a school of such classification for the same length of term as all other schools within said rural high school district. The board of trustees of a rural high school district shall have a right to be heard by the county board of trustees relative to the classification of schools within their districts and shall have the right of appeal from such classification from the county board of school trustees to the State Superintendent of Public Instruction.

Sec. 8. In the event any of the elementary districts included within a rural high school district or the common

school districts annexed to a common or independent district, or the common school or independent district to which one or more common school districts are annexed, as herein provided for, have outstanding bonded or other valid indebtedness, then at an election held for that purpose, or some future date, to be designated by the proper authorities, as provided by general law, the question as to whether or not the said rural high school district, common school district, or independent school district, as the case may be, shall assume and pay off such outstanding bonds or other indebtedness and whether a tax shall be levied therefor may be submitted to the qualified tax-paying voters of such high school, common or independent district. If a majority of the votes cast at such an election favor the assumption of such indebtedness then such indebtedness shall become valid and subsisting obligations of the said rural high school districts, common school districts, or independent districts; and the board of trustees of such districts shall annually thereafter levy and collect sufficient taxes to pay the interest on the bonds so assumed as it accrues, and create a sinking fund which, in addition to the sinking funds already accumulated in the original bonded district or districts, will pay off and retire the said outstanding bonds when they shall become due. The said election providing for the assumption of such bonded or other indebtedness shall be called and held in accordance with existing provisions of law relating to elections for the issuance of bonds by common and independent school districts.

Sec. 9. All funds of every nature to which a rural high school district may be entitled shall be paid out on warrants issued by the secretary and signed by the secretary and president of the board of trustees and approved by the county superintendent of public instruction. The board of school trustees shall select its own president and secretary, each of whom shall be a member of the board. The secretary shall keep a complete itemized account of all receipts and disbursements in a well-bound book owned and paid for by the district, and his accounts shall be approved by the county superintendent and by the county board of school trustees at the end of each scholastic year. No school funds shall be allotted or apportioned and paid to any rural high school district for

the following year thereafter until this report is submitted to and approved by the county superintendent and the county board of school trustees.

Sec. 10. All funds belonging to a rural high school district shall be deposited in the county depository and disbursed in the same manner as other funds are disbursed from such depository under the depository law in so far as same are applicable.

Sec. 11. All rural high schools and all other schools within a rural high school district herein provided for shall be under the immediate control of the board of school trustees for such rural high schools and such board of school trustees shall be under the control and supervision of the county superintendent and county board of school trustees, and shall be subject to the same provisions of law and restrictions that common school districts are now subject to, except where otherwise provided herein.

Sec. 12. The board of trustees of a rural high school district provided for in this act shall have the power to levy and collect an annual ad valorem tax not to exceed one dollar on the hundred dollars valuation of taxable property of the district for the maintenance of schools therein, and a tax not to exceed fifty cents on the one hundred dollars valuation of taxable property of the district for the purpose of purchasing, constructing, repairing or equipping public free school buildings within the limits of such district, and the purchase of necessary sites therefor; provided that the amount of maintenance tax, together with the amount of bond tax of the district shall never exceed one dollar on the one hundred dollars valuation of taxable property; and provided further that no such tax shall be levied and no such bonds shall be issued until after an election shall have been held wherein a majority of the qualified tax-paying voters, voting at said election, shall have voted in favor of the levying of said tax, or of the issuance of said bonds, or both, as the case may be, and which election shall be held in accordance with the law now governing such elections in common school districts, provided that the local taxes previously authorized by a district or districts included in a rural high school district or annexed to a common or independent school district, as provided for herein, shall be continued in force until such time as a uniform tax may be provided for the

benefit of the rural high school district or said common or independent district as enlarged by the annexation of the said common school districts thereto.

The board of trustees of any rural high school district may appoint an assessor of taxes who shall assess the taxable property within the limits of said district within the time provided by existing laws, and said assessment shall be equalized by the board of equalization composed of three members appointed by the board of trustees of said district. The said board of equalization shall be composed of legally qualified voters residing in said district, and shall have the same power and authority, and be subject to the same restrictions that now govern such boards in independent school districts. The tax assessor herein provided for shall receive such compensation for his services as the trustees of said district may allow, not to exceed two (2) per cent of taxes assessed by him. The county tax collector shall collect such tax and shall receive one-half of one per cent for his service for collecting such tax. Such tax when collected shall be deposited in the county depository to the credit of such rural high school district. The tax assessor herein provided for shall make a complete list of all assessments made by him, and when approved by the board of trustees shall be submitted to the county tax collector not later than September first of each year.

Sec. 13. All laws and parts of laws in conflict with any provision of this act are hereby repealed. Should any part of this act be declared unconstitutional, it shall not affect the validity of any other part of the act. The provisions of this act relative to the powers and duties of the county board of trustees are to be construed as cumulative to the existing provisions of law relating to the said board of trustees and as not to repeal such provisions of law except such as are in direct conflict herewith.

Sec. 14. The fact that our rural school and rural high school system is wholly inadequate creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring the reading of bills on three several days in each House, and that this act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

The amendment was adopted.

Mr. Brown offered the following amendment to the bill:

Amend House bill No. 38 by striking out all above the enacting clause and inserting the following: A bill to be entitled "An Act making provision for a better system of schools in the various counties of this State; providing for rural high school districts to be composed of elementary school districts; providing for boards of trustees of such districts and conferring upon such boards authority to manage and control the schools thereof as prescribed herein; providing the method of forming such rural high school districts and providing the manner in which school districts may be included in such rural high school districts and defining elementary school districts as referred to herein; providing for the annexation of certain common school districts to other common and independent districts; conferring upon school districts organized or enlarged under the provisions of this act the authority conferred on such districts by general law, except as otherwise herein prescribed, relative to the maintenance and support of the schools thereof, in order to carry out the purposes of this act, and declaring an emergency."

The amendment was adopted.

House bill No. 38 was then passed to engrossment.

HOUSE BILL NO. 38 ON THIRD READING.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—85.

Albritton.	Davis of Dallas.
Alexander	Davis of Wood.
of Limestone.	DeBerry.
Atkinson.	Dielmann.
Baker of Orange.	Dinkle.
Baker of Panola.	Donnell.
Bartlett.	Downs.
Bean.	Dunn of Falls.
Bedford.	Durham.
Boggs.	Enderby.
Brown.	Faulk.
Carter.	Fields.
Coffey.	Florence.
Conway.	Hagaman.
Coody.	Hall.
Cox of Lamar.	Harman.
Cox of Navarro.	Harper.
Cummings.	Hollowell.
Dale.	Hoskins.
Daniels.	Johnson.

Kemble.
Kenyon.
Kinnear.
Laird.
Lane of Harrison.
Lipscomb.
Mankin.
McBride.
McDonald.
McFarlane.
Merritt.
Moore.
Pavlica.
Pearce.
Perdue.
Petsch.
Poage.
Pool.
Pope.
Rawlins.
Raymer.
Renfro.
Rice.

Rogers.
Rowland.
Runge.
Sanford.
Sheats.
Sinks.
Smith of Nueces.
Stautzenberger.
Stevens.
Stevenson.
Stout.
Strong.
Thompson.
Tomme.
Veatch.
Walker.
Webb.
Wells.
Westbrook.
Wester.
Williamson.
Wilson.
Young.

Nays—17.

Alexander	Loftin.
of Bastrop.	McGill.
Barker.	McKean.
Bateman.	Simmons.
Cade.	Simpson.
Frnka.	Smyth.
Gray.	Sparks.
High.	Stell.
Lane of Hamilton.	Storey.

Present—Not Voting.

Jacks.	Wade.
Rowell.	Woodruff.
Shearer.	

Absent.

Acker.	Jasper.
Avis.	Jordan.
Blount.	King.
Bobbitt.	Kittrell.
Bonham.	Low.
Chitwood.	Masterson.
Covey.	Montgomery.
Dunn of Hopkins.	Nicholson.
Finlay.	Purl.
Foster.	Smith of Travis.
Graves.	Teer.
Houston.	Wallace.
Irwin.	

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

The Speaker then laid House bill No. 38 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—97.

Albritton.	Lipscomb.
Alexander	Low.
of Bastrop.	Mankin.
Alexander	McBride.
of Limestone.	McFarlane.
Atkinson.	McGill.
Baker of Orange.	McKean.
Baker of Panola.	Merritt.
Barker.	Moore.
Bartlett.	Pavlica.
Bedford.	Pearce.
Boggs.	Perdue.
Bonham.	Petsch.
Brown.	Poage.
Carter.	Pool.
Coffey.	Pope.
Conway.	Rawlins.
Covey.	Raymer.
Cox of Lamar.	Renfro.
Cox of Navarro.	Rice.
Cummings.	Rogers.
Dale.	Rowland.
Daniels.	Runge.
Davis of Dallas.	Sanford.
Davis of Wood.	Shearer.
DeBerry.	Sheats.
Dielmann.	Simmons.
Dinkle.	Sinks.
Donnell.	Smith of Nueces.
Downs.	Smyth.
Dunn of Falls.	Sparks.
Dunn of Hopkins.	Stautzenberger.
Durham.	Stell.
Enderby.	Stevens.
Faulk.	Stevenson.
Fields.	Stout.
Florence.	Strong.
Frnka.	Teer.
Hagaman.	Thompson.
Hall.	Tomme.
Harman.	Veatch.
Harper.	Wade.
High.	Webb.
Hollowell.	Wells.
Hoskins.	Westbrook.
Jacks.	Wester.
Kemble.	Williamson.
Kenyon.	Wilson.
Kinnear.	Woodruff.
Laird.	Young.
Lane of Hamilton.	

Nays—6.

Bateman.	Coody.
Bean.	Gray.
Cade.	Walker.

Present—Not Voting.

McDonald.	Simpson.
Rowell.	

Absent.

Acker.	Jordan.
Avis.	King.
Blount.	Kittrell.
Bobbitt.	Lane of Harrison.
Chitwood.	Loftin.
Finlay.	Masterson.
Foster.	Montgomery.
Graves.	Nicholson.
Houston.	Purl.
Irwin.	Smith of Travis.
Jasper.	Storey.
Johnson.	Wallace.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

HOUSE BILL NO. 98 ON SECOND READING.

On motion of Mr. Bean the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 98, A bill to be entitled "An Act amending Article 2862, Title 48, Chapter 16, Revised Statutes, 1911, as amended by Chapter 35, Acts Thirty-eighth Legislature, Second Called Session, which is an act authorizing independent school districts to employ their own tax assessors and have their taxes collected by the county tax collector without being required to have their assessments made at the same valuations that are used for State and county taxation, and providing that in no event shall property be assessed for more than its fair market value, or if it be greater than its real value, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 98, line 31, page 1, by striking out the words "shall not" and insert the word "may."

The amendment was adopted.

Mr. Veatch offered the following amendment to the bill:

Amend House bill No. 98 by striking out all beginning with "its" in line 37, down to and including "property" in line 40, and insert in lieu thereof "fifty per cent above what the property is assessed for county and State purposes."

The amendment was lost.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 98 then failed to pass to engrossment by the following vote:

Yeas—24.

Alexander	Fields.
of Limestone.	Graves.
Baker of Panola.	Hollowell.
Bartlett.	Kinnear.
Bean.	Laird.
Brown.	Masterson.
Dale.	McFarlane.
Davis of Dallas.	Nicholson.
Dinkle.	Perdue.
Donnell.	Sinks.
Downs.	Stell.
Dunn of Hopkins.	Webb.
Durham.	

Nays—77.

Albritton.	McBride.
Alexander	McGill.
of Bastrop.	McKean.
Atkinson.	Merritt.
Baker of Orange.	Moore.
Barker.	Pavlica.
Bateman.	Pearce.
Bedford.	Petsch.
Bobbitt.	Poage.
Boggs.	Pope.
Cade.	Rawlins.
Carter.	Renfro.
Coffey.	Rice.
Conway.	Rogers.
Coody.	Rowell.
Covey.	Rowland.
Cox of Lamar.	Runge.
Cox of Navarro.	Shearer.
Cummings.	Sheats.
Davis of Wood.	Simmons.
Dielmann.	Simpson.
Dunn of Falls.	Smith of Travis.
Enderby.	Smyth.
Florence.	Sparks.
Foster.	Stautzenberger.
Frnka.	Stevenson.
Gray.	Storey.
Hagaman.	Stout.
Harman.	Teer.
Harper.	Thompson.
High.	Tomme.
Hoskins.	Veatch.
Jasper.	Wade.
Johnson.	Walker.
Kemble.	Wallace.
Kenyon.	Wester.
Lane of Hamilton.	Williamson.
Lane of Harrison.	Wilson.
Lipscomb.	Woodruff.
Mankin.	

Present—Not Voting.

McDonald.	Young.
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Absent.

Acker.	King.
Avis.	Kittrell.
Blount.	Loftin.
Bonham.	Low.
Chitwood.	Montgomery.
Daniels.	Pool.
DeBerry.	Purl.
Faulk.	Raymer.
Finlay.	Sanford.
Hall.	Smith of Nueces.
Houston.	Stevens.
Irwin.	Strong.
Jacks.	Wells.
Jordan.	Westbrook.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

Mr. Tomme moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REPORT OF COMMITTEE IN REGARD
TO DIARY OF CAPT. ADOLPHUS
STERNE.

The Speaker laid before the House, and had read, the following report:

To the Hon. Barry Miller, President of the Senate, and the Hon. Lee Satterwhite, Speaker of the House of Representatives.

We, your joint committee of the House and Senate, appointed to arrange for the presentation and acceptance of the diary of Capt. Adolphus Sterne of Palestine, beg leave to report as follows:

That the ceremony be held before a joint session of the Senate and House, in the Hall of the House of Representatives at 2 o'clock p. m., Tuesday, February 10; that the presentation address be made by the Hon. A. G. Greenwood of Palestine, and that the acceptance address, on the part of the State of Texas, be made by the Hon. Norman G. Kittrell, member of the House of Representatives, from Harris county.

(Signed) HARDIN of Kaufman,

On the Part of the Senate.

(Signed) JOHNSON,

On the Part of the House.

RELATING TO BLOCK PICTURE OF MEMBERS.

Mr. Strong offered the following resolution:

Resolved, That only members of the House and its elective officers be included in the block group picture now being made by the Elliotts.

The resolution was read second time and was lost.

HOUSE BILL NO. 218 ON SECOND READING.

On motion of Mr. Stevenson the regular order of business was suspended to taken up and have placed on its second reading and passage to engrossment,

H. B. No. 218, A bill to be entitled "An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 64 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an act to embody in one act the substance of the provisions of said repealed statutes, with certain eliminations and changes."

The Speaker laid the bill before the House and it was read second time.

Mr. Stevenson offered the following (committee) amendment to the bill:

Amend House bill No. 218 by striking out all after the enacting clause and inserting the following:

Section 1. That the following acts be, and the same are hereby, repealed, viz: Chapter LX of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter XII of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter IV of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter XLIV of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter XXVII of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter

XXXVIII of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter X of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature.

Sec. 2. The word "tick," as used in this act, is defined to mean the fever-carrying tick (*Magararopic Annulatus*) and no other species of ticks; and the word "cattle," as used in this act, is defined to include horses, mules and asses.

Sec. 3. It is hereby made the duty of the commission provided for in Article 7312, Revised Civil Statutes, to protect the domestic animals of the State from all malignant, contagious or infectious diseases, whether said diseases exist in Texas or elsewhere; and, subject to the limitations herein prescribed, said commission, for said purposes, is hereby authorized and empowered to establish, maintain and enforce such protective measures and quarantine lines and sanitary rules and regulations as may be necessary whenever it shall determine upon inspection that such diseases exist. It shall also be the duty of said commission to co-operate with the Live Stock Sanitary Commission and officers of other States and with the United States Secretary of Agriculture in establishing such interstate quarantine lines, rules and regulations, subject to the limitations herein prescribed, as shall best protect the livestock industry of this State against the fever-carrying tick (*Magararopic Annulatus*) and other malignant, contagious, infectious or other communicable diseases of livestock. It shall be the duty of said commission to quarantine any district, county, part of county or premises within this State when it shall determine, upon proper inspection, the fact that cattle, sheep, or other livestock in such district, county or part of county or premises are infected with any malignant, contagious, infectious or communicable disease, or with the agency of transmission of such disease, and to give written or printed notice of such quarantine to the proper officers of railroad and express companies doing business in or through such quarantine district, county, or part of county within this State, and to public notices of the establishment of such quarantine in such newspaper in the quarantined district, county, or part of county as the Live Stock Sanitary Commission may select, or to given notice in such ways as it deems necessary and adequate for the purpose of establishing and maintaining a quarantine service; and no railroad or express company shall receive for trans-

portation, or transport from any quarantined district, county, or part of county in this State into any other district, county, or part of county within this State any cattle, sheep or other livestock except hereinafter provided for; nor shall any person, company or corporation deliver for transportation to any railroad or express company any cattle, sheep or other livestock from a quarantined area except as hereinafter provided; nor shall any person, company or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance, or cause to be transported in private conveyance, or drive or permit to be driven or permit to go, whether driven or not, from a quarantined district, county, or part of county or premises in this State any cattle, sheep or other livestock except as hereinafter provided. It is hereby made the duty of the Live Stock Sanitary Commission of Texas to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, and handling and method and manner of delivery and shipment of cattle and other livestock from and into a quarantined district, county or part of county or premises and into any other district, county, or part of county or premises in this State, and said commission shall make and promulgate rules and regulations which shall permit and govern the movement and shipment of cattle and other livestock from or into a quarantined district, county or part of county or premises into any other district, county, or part of county or premises in this State, and said rules and regulations shall permit cattle to be shipped from all quarantined areas to State markets for immediate slaughter on one dipping under official inspection, provided that, in moving said cattle from the place where they were dipped to the shipping pens, they shall not be driven or moved across, into or along the side of any land or premises of any other person where the fever-carrying tick has been eliminated, or into, over or along the side of any land or premises where systematic tick eradication is being carried on, and shall permit cattle to be shipped from quarantined areas into non-tick infested areas otherwise than for immediate slaughter upon such cattle being dipped until they are cleaned of ticks and moved to destination without being exposed, and inspected by an authorized inspector of the Live Stock Sanitary Commission, and it is hereby made the duty of the Live Stock Sanitary Commission to promptly furnish official

inspection of all cattle tendered for shipment from quarantined areas upon application to it for such inspection by the owner or caretaker of such cattle. It is hereby made the duty of the Live Stock Sanitary Commission of Texas to give notice of all of its rules and regulations by proclamation issued by the Governor of Texas and to furnish to any owner of livestock who applies therefor a printed copy of all such rules and regulations. The said Live Stock Sanitary Commission of Texas is hereby empowered to employ a State veterinarian and assistant State veterinarian in times of emergency, and inspectors or other persons as it may deem necessary for the performance of the duties imposed upon said commission and the Live Stock Sanitary Commission, the State veterinarian, assistant State veterinarians and inspectors acting under authority or direction of the commission are hereby empowered and it is made their duty at their discretion to enter upon the premises of any person or persons, company or corporation within this State for the purpose of inspecting, quarantining or disinfecting premises or livestock thereon.

Sec. 4. It is hereby provided that the Live Stock Sanitary Commission of Texas shall have the power to control the sale and distribution of all veterinary biological products within this State, and it is hereby made its duty, subject to the limitations herein prescribed, to destroy and eradicate the fever-carrying tick; also to eradicate and eliminate the scabies, sheep scab, hog cholera, glanders, and all other malignant, contagious, infectious and other communicable diseases of livestock. For this purpose it is empowered and directed to establish special quarantine districts where such disease or infection of such diseases are known to exist, and notice of the establishment of such special quarantine districts shall be given as provided for in Article 7314, Revised Civil Statutes, and in Section 3 of this act. Said commission shall have the power to quarantine premises or pastures located in said special quarantine districts and the domestic livestock thereon situated in such quarantined districts or elsewhere when such pasture or quarantined premises or livestock located thereon are infected with or have been exposed to a malignant, contagious, infectious or communicable disease or infection thereof; and no livestock shall be moved to or from such special quarantined district or from any pastures or premises located in such special quarantined district in a man-

ner, method or condition other than those prescribed by the Live Stock Sanitary Commission and by this act. It shall be the duty of the Live Stock Sanitary Commission to prescribe methods for dipping livestock or otherwise treating or disinfecting said premises and the livestock thereon, as in their opinion are necessary and adequate for the eradication of the disease or the infection of the disease for which they are quarantined.

Sec. 5. It shall be the duty of the county commissioners court to co-operate with and assist the Live Stock Sanitary Commission in protecting the livestock for their respective counties from all malignant, contagious and infectious or communicable diseases, whether such diseases exist within or outside of the county, and otherwise to protect the livestock interests of their counties. It shall be the duty of the commissioners courts in these counties which adopt compulsory tick eradication work under the local option provisions of this act to co-operate with the Live Stock Sanitary Commission and the officers working under the authority or direction of said Commission in the suppression and eradication of ticks and all malignant, contagious, infectious or communicable diseases of livestock; provided when it becomes necessary to disinfect any premises, county or subdivision of the county infected with anthrax, hog cholera, glanders, foot and mouth disease, bovine tuberculosis, or contagious abortion, under orders of the Live Stock Sanitary Commission, the county judge of the county where said premises are located shall have such disinfecting done at the expense of the county and according to the rules and regulations of the Live Stock Sanitary Commission, and said commissioners courts are hereby authorized and empowered and directed to appropriate monies out of the general fund of their counties, to incur indebtedness by the issuance of warrants, and to levy a tax to pay the interest thereon and provide a sinking fund for the payment thereof, for the purpose of purchasing, constructing or leasing necessary public dipping vats within their counties; provided that said warrants shall draw interest at a rate not exceeding six per cent per annum and shall run not exceeding twenty years from the date hereof.

Sec. 6. It shall be the duty of the Live Stock Sanitary Commission, whenever they have reason to believe or shall receive notice that any malignant, contagious, infectious or communicable diseases exist among any domestic animals

in the State, to immediately investigate, and if such disease is found to exist, or if they have reason to believe such disease exists, to immediately quarantine such animals and premises and land upon which they are located, provided that if glanders or anthrax is found, the State veterinarian or assistant State veterinarian shall make a thorough investigation and shall notify the county judge of the county wherein such animals are located of the number and description of the animals so infected.

Sec. 7. It shall be the duty of the county judge of any county in this State, whenever any horse, mule or ass within their counties is found infected with glanders or anthrax, and have been quarantined by order of the Live Stock Sanitary Commission, to appoint three disinterested parties who shall act as appraisers and fix the value of such animals at their actual value at the time of such appraisement, and make a sworn written report of said appraisement to the county judge, whereupon the commissioners court shall pass upon such written report, and pay to the owner of the animals their appraised value. The county judge, on receipt of a report of the appraisers, as provided for in this section, shall issue an order to the sheriff, deputy sheriff, or any constable of the county, commanding him to seize said diseased animal or animals, and take same to some secluded place and kill them and burn their carcass or carcasses, and said appraisers and officers shall be paid for their services as provided for in Article 7320, Revised Civil Statutes.

Sec. 8. It shall be the duty of any person, firm or corporation of this State to burn to ashes or bury at a depth of not less than two and one-half feet and to cover with quick lime the carcass or carcasses of any domestic animal or animals dying from any infectious, contagious or communicable disease of any malignant character that may be found upon their premises within twenty-four hours after the death of such animal or animals. Any person who is the owner or caretaker of any premises who shall fail or refuse to burn to ashes or bury to the depth herein described and cover with quick lime the carcass or carcasses of any domestic animal or animals dying from infectious, contagious or communicable disease of a malignant character found on such premises within twenty-four hours after the death of such animal or animals, shall be deemed guilty of a misdemeanor, and upon conviction.

thereof shall be fined in a sum not less than ten dollars or more than one hundred dollars, and each day said owner or caretaker of said premises shall fail or refuse to burn said animal or animals, as aforesaid, shall be deemed a separate offense.

Sec. 9. It shall be the duty of the commissioners courts of every county in Texas where systematic tick eradication work is not being conducted at the State expense, whenever they deem it expedient, or when petitioned to do so by seventy-five resident land owners and qualified voters in the county, to order an election for the purpose of determining whether the county shall take up and prosecute the work of tick eradication in said county. Said election shall be ordered and held not less than sixty days after the filing of the petition. At said election the ballots shall have printed upon them "For tick eradication inCounty," and "Against tick eradication inCounty." The officers of said election shall hold said election and make return thereof as provided by law in cases of other elections, as nearly as may be. Said returns shall be made to the county judge of the county. The commissioners court shall meet and canvass said returns as soon as practicable after such election, and if they find that a majority of all the votes cast were in favor of tick eradication, under the direction of the Live Stock Sanitary Commission, they shall so certify to said commission and cause publication of the result of said election to be made in a newspaper published in said county, which publication shall be certified to by the county judge of said county, and said certificate shall be filed with the county clerk of said county, which said certificate shall be admissible in evidence in any court of this State. The county judge of the county shall immediately so notify the Live Stock Sanitary Commission, and upon receipt of such notice from the county judge of the county so holding the election, the Live Stock Sanitary Commission shall cause to be issued a supplemental proclamation signed by the Governor of Texas, and the citizens of said county, in co-operation with and under the direction of the Live Stock Sanitary Commission, shall begin work of tick eradication within thirty days of the issuance of said supplemental proclamation. Should the commissioners court find that a majority of the votes cast were against tick eradication,

then the county judge shall so notify the Live Stock Sanitary Commission.

Sec. 10. Any person, firm or corporation who is the owner or caretaker of any cattle located in any territory which is quarantined because of tick infestation, who shall drive, ship, drift, or permit his cattle to go into any county, part of any county, or district, or premises, or land of another, which has been freed of ticks or in which systematic tick eradication is being carried on, without a written permit of an inspector of the Live Stock Sanitary Commission of Texas, or of the United States Bureau of Animal Industry, showing said cattle to be free of ticks, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than one dollar nor more than five dollars per head for all livestock so shipped, driven, drifted, or permitted to go into unquarantined territory, or in territory in which systematic tick eradication is being carried on. Provided, that any person or persons violating the provisions of this section of this act may be prosecuted in the county from which such cattle were so illegally moved, and in each county into or through which they may have been taken.

Sec. 11. The commissioners court of every county within this State where tick eradication is carried on under the provisions of this act may nominate for appointment by the Live Stock Sanitary Commission the number of county inspectors found by the Live Stock Sanitary Commission to be necessary to carry on the work of active tick eradication in such county, and when so nominated said Live Stock Sanitary Commission shall appoint them. In the event of the failure or refusal of the commissioners court to nominate said county inspectors the Live Stock Sanitary Commission is hereby authorized to appoint the number of county inspectors deemed by them to be necessary. Said county inspectors shall be residents of said county, shall work under the direction and orders of the Live Stock Sanitary Commission, and shall be subject to discharge by said commission, and shall be paid their salaries out of the State Treasury of Texas, their compensation to be fixed by said commission.

In the event the commissioners court should nominate any persons who are thereafter appointed such county inspectors and the Live Stock Sanitary Commission find or conclude that the com-

missioners court of said county are trying to retard tick eradication or that they are nominating men who are incompetent or negligent in the performance of their duty, then in that event said Live Stock Sanitary Commission is hereby authorized to ignore in the future nominations or recommendations by said commissioners court of county inspectors. In any event, county inspectors must be residents of the county in which they are appointed to work.

The Live Stock Sanitary Commission is hereby empowered to appoint a chief inspector, chief clerk, and such supervising inspectors as they deem necessary to carry on active, systematic tick eradication, and they are authorized and empowered to employ such clerical help as may be deemed necessary to maintain their office, and to appoint a chief veterinarian and such assistant veterinarians as they may deem necessary.

Sec. 12. Whenever any district, county or part of county shall be quarantined by order of the Live Stock Sanitary Commission on account of scabies or scab in sheep, every individual premises and the lands of every individual, firm or corporation within such quarantined area shall be quarantined separately, and no cattle or other live stock shall be shipped, driven, drifted or permitted to be shipped, driven or drifted from any premises where located when such quarantine is declared, without a written permit from an authorized inspector of the Live Stock Sanitary Commission of Texas.

Sec. 13. In every county or part of county in this State where systematic tick eradication work is being conducted under the provisions of this act, every person, company or corporation owning, controlling or caring for any cattle which have the fever-carrying tick (*Magaropie Annulatus*) upon them or upon any one of them, or that are exposed to the said fever-carrying tick, or that are on any premises or other place on which the fever-carrying tick is known to exist, or that have sometime within nine months next preceding the issuance of the written direction to dip, hereinafter provided, been exposed to the said fever-carrying tick or been on said premises or other place on which the fever-carrying tick is known to exist, who shall fail or refuse to dip said cattle at such time and in such manner as directed in writing by the Live Stock Sanitary Commission, or its chairman, as provided for in this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty-five dollars

nor more than one hundred dollars, and each day of such failure or refusal shall be a separate offense.

Sec. 14. The Live Stock Sanitary Commission, or its chairman, is hereby authorized and empowered to direct in writing any person or persons, company or corporation owning, controlling or caring for any cattle which are subject to be dipped under the provisions in this act in the prosecution of the systematic tick eradication work, to dip said cattle under the supervision of an authorized inspector of such Commission in an arsenical solution of a strength not less than seven and one-half pounds, and not more than eight and one-half pounds, of arsenic to each five hundred gallons of water in the said solution for the purpose of destroying, eradicating and removing said fever-carrying tick or exposure, subject to the provisions of this act. Said dippings shall be administered at regular intervals, but the Live Stock Sanitary Commission shall not require the dipping of cattle at more frequent intervals than every fourteen days.

Sec. 15. The written direction issued by the Live Stock Sanitary Commission, or its chairman, requiring the dipping of cattle, as provided for in this act, shall be dated, showing the date of its issuance, the name of the person, company or corporation to whom the said directions are given, the approximate location of the premises on which the said live stock are located; the name of the county in which said premises are located, and it shall state in clear and intelligible language that the said cattle, which the said person is therein directed to dip, have the fever-carrying tick upon them, or that they are exposed to the said fever-carrying tick, or are on a premise or other place on which the fever-carrying tick is known to exist, or that they have sometimes during the nine months next preceding the date of the issuance of said written direction hereinbefore provided been exposed to the said fever-carrying tick, or been on a premise or other place on which the fever-carrying tick is known to exist; and it shall direct the said person, company or corporation to dip the said live stock under the supervision of an authorized inspector of the Live Stock Sanitary Commission, in an arsenical solution of a strength of not less than seven and one-half pounds, nor more than eight and one-half pounds of arsenic to each five hundred gallons of water in the dipping solution in which the said livestock are to be dipped, and it shall designate the place,

date and time that said dipping is to be done, and it shall be signed by the Live Stock Sanitary Commission or its chairman.

Sec. 16. The said dipping direction, provided for in this act, shall be delivered to the person, company or corporation owning, controlling or caring for said cattle required to be dipped at least fourteen full days before the date and time said dipping is to be administered. The person, company or corporation owning, controlling or caring for said cattle required to be dipped under the provision of this act may file with the Live Stock Sanitary Commission, or its chairman, a written affidavit at any time within five days after receiving said written direction and not later, denying that said cattle are subject to being dipped under the provisions of law, or that for good and sufficient reason set out in said affidavit the said person, company or corporation is entitled to have said dipping direction rescinded, or to have said dipping postponed, and requesting that the Live Stock Sanitary Commission, or its chairman, withhold the enforcement of said dipping direction and grant him or them a hearing on said matter, or make necessary investigation to determine the correctness of the statement contained in said affidavit. Upon the receipt of said affidavit, the Live Stock Sanitary Commission, or its chairman, shall within five days after receipt of such affidavit grant said affiant a hearing in the office of the chairman of said Commission if the affiant so desires it, and give such affiant notice of such hearing, by telegram or registered mail, and which hearing shall be set not less than four days after the service of said notice and the said Commission shall consider such ex parte affidavits as such owner or caretaker may file with said Commission in said hearing, and said Commission and its chairman shall make such investigation in person or through its authorized representatives, in reference to said statement as the said Commission, or chairman thereof, deem necessary, and if said statements are found to be correct, the said dipping direction shall be rescinded by the said Commission, or its chairman; otherwise, the said dipping direction shall be enforced on the day and at the time specified in said written direction. The said Commission, or its chairman, after having granted said hearing, or made said investigation, shall notify the said person, company or corporation in writing of its findings, which said notice shall be delivered to the said person,

company or corporation at least four full days before the day and time he or they are required to dip said cattle by virtue of said written direction.

Sec. 17. The ascertaining of the presence of the fever-carrying tick on any premise, place or livestock, or the ascertaining of exposure of premises, places or livestock to the said fever-carrying tick, shall be done by authorized representative or inspectors of the Live Stock Sanitary Commission, or by the said Commissioners.

Sec. 18. The Live Stock Sanitary Commission is hereby authorized and empowered to make, adopt and promulgate rules and regulations in conformity with this act for the carrying out and enforcing the provisions of this act.

Sec. 19. Whenever the Live Stock Sanitary Commission shall have determined the fact that cattle, or other livestock, are infected with or exposed to splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicaemia, scabies, hog cholera, Malta fever, or other similar or dissimilar contagious, infectious or communicable diseases, or to the agency of transmission thereof, recognized by the veterinary science as being contagious, infectious or communicable, the said commission shall designate the district, county, or part of county or premises necessary to be quarantined, and notice of such quarantine shall be issued by the said commission, or chairman thereof, as provided herein. Publication of such quarantine orders may be made in any newspaper within such area, or if no newspaper is published in such area, then the nearest newspaper thereto. In lieu of such publication the Live Stock Sanitary Commission may give notice of such quarantine by posting a copy of such quarantine notice at the county courthouse door of the county in which said quarantine is to be effective. A written notice of such quarantine delivered to the owner or caretaker of live stocks to be quarantined shall be sufficient notice of such quarantine, in lieu of notices above provided; provided, that the owner and caretaker of milch cows or dairy cows shall not be required to dip such cattle unless upon examination by an authorized inspector of the Live Stock Sanitary Commission such cattle or a part of them are found to have the fever-carrying tick upon them, or are exposed to said fever-carrying tick, and if the said Live Stock Sanitary Commission shall so find, then said quarantine shall be effective as to the premises

of such owner and said person shall be subject to all the provisions of this act, provided the term milch or dairy cows shall include only such cattle as are actually used for domestic or dairy purposes and does not include stocker or breeding cattle for other purposes.

Sec. 20. Any owner, caretaker, or person in charge of any cattle, horses, mules or asses, who shall refuse to permit any duly authorized inspector of the Live Stock Sanitary Commission to enter upon his land and premises for the purpose of making an inspection of such livestock to determine whether they are infested with said fever-carrying tick, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding two hundred dollars.

Sec. 21. Any owner, caretaker or person in charge of any cattle infested with or exposed to the fever-carrying tick, who shall ship, drive or permit such stock to be moved or strayed to any county, part of county, or on the premises or land of another, whether in the county from which said driving, shipping or drifting or straying commenced, or into some other county that has been freed of said fever-carrying tick, or released from quarantine, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than one dollar per head nor more than five dollars per head for all such livestock so shipped, driven, drifted, strayed or permitted to go into such clean territory; and prosecutions under this section of this act may be instituted and carried on in the county where the movement originated and in each county into or through which they may have been so moved.

Sec. 22. Any railway company, or receiver or receivers of any railway company or other common carrier, who shall receive for shipment or who shall haul or transport into any county in this State any cattle, horses, mules or asses, in violation of any quarantine established by the Live Stock Sanitary Commission, or its chairman, or who shall receive for shipment, or who shall transport from any county in this State that is under quarantine to any other county in this State any cattle that have not been certified to by a regular inspector of the Live Stock Sanitary Commission, shall be deemed guilty of a violation of this act, and in any suit brought in a court of competent jurisdiction by the district or county attor-

ney, either in the county where such shipment was received by said railroad company, receiver, or other common carrier, or in the county to which or through which said shipment may be moved, such county attorney or district attorney is hereby authorized to recover, for the benefit of the State, penalties against said railway company of not more than fifty dollars per head for such cattle so received, hauled or transported.

Sec. 23. Within twelve months after this act goes into effect, and not thereafter, except in counties where systematic tick eradication is not being carried on by the Live Stock Sanitary Commission, the owners, caretakers, or persons in charge of any cattle located in any quarantined county, district, area, premises or land, may move said cattle to shipping pens and may ship same to market for purpose of immediate slaughter, upon one dipping, provided that in driving or otherwise moving said cattle to the shipping pen they shall not be moved or transported over, into or along the side of any clean land or premises belonging to another, or over, into or along the side of any land or premises upon which systematic tick eradication is being carried on.

If any owner, caretaker or other person in charge of any cattle intended to be shipped to market for immediate slaughter shall fail to dip said cattle or after dipping said cattle shall drive them to any shipping point through, into or along any clean area, premises or land of another, or into, through or along any premises or land upon which systematic tick eradication is being carried on, or who shall fail to secure a certificate from a duly authorized inspector of the Live Stock Sanitary Commission, or the Bureau of Animal Industry, showing that the above mentioned conditions have been complied with, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding two hundred (\$200) dollars; and if the provisions of this section of this act are violated by driving said cattle from one county into or through another county, the prosecution may be instituted and maintained in the county where said movement of cattle originated and in any other county into or through which said cattle may have been so taken, moved, driven, transported or shipped. Provided, that cattle shipped for the purpose of immediate slaughter under the provisions of this section shall be shipped within forty-eight hours from the time they were dipped.

Sec. 23-A. Any owner or person in charge of any cattle located in quarantined counties in this State may move or ship said cattle to any other quarantined county in this State upon one dipping under official inspection of the Live Stock Sanitary Commission or the Bureau of Animal Industry and so certified as having been inspected by said Live Stock Sanitary Commission or said Bureau of Animal Industry, provided the county to which said cattle are shipped is not engaged in systematic tick eradication, and provided further that in moving said cattle to the shipping pens in the county from which they are shipped and in moving said cattle from the shipping pens in the county to which they are shipped they do not go into, through or over any clean land or premises, and provided further that said cattle shall not be unloaded en route in clean pens and shall not be unloaded at the point of destination in any clean pens; provided that said cattle shall be shipped within forty-eight hours from the time they are dipped. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one dollar per head and not exceeding five dollars per head for said cattle so unlawfully shipped or driven, and provided further that prosecutions under this section may be maintained in the county in which said shipment originated and in each county into or through which said cattle may have been driven or shipped.

Sec. 24. Any person owning, controlling or in charge of any domestic animal or animals which shall be required to be dipped under any provisions of this act, who shall wilfully fail or refuse to maintain said dip at the strength officially specified, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding two hundred dollars.

Sec. 25. Immediately after this act becomes effective, the Live Stock Sanitary Commission of Texas shall make out and certify to the Governor of Texas a list of all counties and portions of counties in Texas which have tick infested territory, land or premises that adjoin or abut on the west margin of the Brazos River, from the mouth of said river to the northwest corner of Robertson county, and a list of all counties lying north or west of the hereinafter described line; commencing at the northwest corner of Robertson county on said Brazos River; thence in an easterly direction with the north lines of Robert-

son and Leon counties to the northeast corner of Leon county in the west line of Anderson county; thence in a southerly direction, following the west line of Anderson county, to the southwest corner of said county and the northwest corner of Houston county; thence in an easterly direction with the dividing line between said counties of Anderson and Houston, to the southeast corner of Anderson county; thence in a northerly direction, following the east line of Anderson county, to the northwest corner of Cherokee county, same being the southwest corner of Smith county; thence in an easterly direction, following the north line of Cherokee county, to the northeast corner of same, being the southeast corner of said Smith county in the west line of Rusk county; thence with the west line of Rusk county, in a northerly direction, to the northwest corner of same said point, being the southwest corner of Gregg county; thence in an easterly direction, following the north line of Rusk county to where same intersects the south line of Harrison county; thence with the south line of Harrison county and the north line of Panola county to the southeast corner of said Harrison county and the northeast corner of Panola county on the line of the State of Louisiana; and the Governor shall thereupon issue his proclamation, requiring systematic tick eradication work to begin in the territory west and north of said lines; that is to say, from the mouth of said Brazos River to the northwest corner of Panola county on said river, and from the said northwest corner of Robertson county to the southeast corner of Harrison county, as set out above. The expense of said work to be borne as follows: The salaries of all supervising inspectors and such county inspectors as the Live Stock Sanitary Commission may deem necessary, shall be borne by the State of Texas, and the expense of purchasing the necessary dip shall also be borne by the State of Texas. The expense of buying or leasing and maintaining the necessary dipping vats shall be borne by the respective counties in said territory, and said counties shall also bear the expense of constructing and maintaining such necessary pens and other facilities incident to the proper dipping of livestock. In the event the county judge or commissioners court fail or refuse to build, buy or lease dipping vats, furnish all pens, chutes and other appliances to maintain same, it shall be the duty of the district attorney within that judicial district, or upon his failure or refusal to act, it shall

be the duty of the Attorney General of this State, to file mandamus proceedings against said county judge and commissioners court, compelling them to furnish said dipping vat, pens and other appliances and to maintain same; and said work of tick eradication in said counties and portions of counties shall be prosecuted until the fever ticks therein are destroyed and said territory is released from quarantine by the Live Stock Sanitary Commission.

Sec. 26. In all counties in this State east of the Brazos River and south of said line running from the northwest corner of Robertson county to the southeast corner of Harrison county, who shall, at an election held for that purpose under the provisions of this act, declare in favor of tick eradication, the expense of supervising inspectors and county inspectors, as well as the purchase of all necessary dip to carry on the work of tick eradication, shall be borne by the State of Texas, and the expense of maintaining dipping vats, pens and all other necessary facilities shall be borne by the county.

Sec. 27. In all counties and parts of counties in this State in which tick eradication work is being prosecuted under the provisions of this act, or by virtue of any local option election, it shall be the duty of the owner, owners or caretakers of such cattle, or other livestock within such territory, to gather same, at his or their own expense, and drive, or cause them to be driven, to the dipping vat, and to dip same for the purpose of eradicating said fever ticks. Upon the failure or refusal of any such owner, owners or caretakers of such animals so to do when directed by the Live Stock Sanitary Commission, or its chairman, he or they shall be guilty of a misdemeanor and fined in any sum not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars, and each and every day that he or they shall refuse or fail to dip said cattle after said notice shall constitute a separate offense.

Sec. 27a. Premises, as referred to in this act, is hereby defined as being any lot, block, tract, subdivision, subdivisions, surveys, grants, part or parts thereof, of any land situated within this State.

Sec. 28. The fact that there is now no adequate law in this State, defining the duties of the Live Stock Sanitary Commission, or regulating livestock sanitary control work in Texas, creates an emergency and an imperative public necessity that the constitutional rule

requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force, as set out in its provisions, from and after its passage, and it is so enacted.

Mr. Hollowell offered the following amendment to the amendment:

Amend House bill No. 218, Section 3, line 39, by adding after the word "State": "Provided, also, the State shall furnish the farmers with Paris green, London purple, arsenic and any other poisons that the farmers may need for the purpose of eradicating army worms, grasshoppers, boll weevils and other insect pests that prey upon the staple crops of the farmers of this State."

Mr. Kemble raised a point of order on consideration of the amendment on the ground that the amendment is not germane.

The Speaker sustained the point of order.

Question then recurring on the (committee) amendment, it was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 218, Section 7, page 11, line 3, by striking out the words "or anthrax."

The amendment was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 218, Section 23, page 19, line 35, by adding after the word "dipped" the following:

"The solution in which said cattle are dipped shall not be less than $8\frac{1}{4}$ nor more than $9\frac{1}{4}$ pounds of arsenic to each 500 gallons of water."

The amendment was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 218, Section 23a, page 20, line 20, by adding after the word "shipped" the following:

"Said cattle shall be dipped in a solution of not less than $8\frac{1}{4}$ pounds and not more than $9\frac{1}{4}$ pounds of arsenic to each 500 gallons of water; provided that cattle may be driven from one quarantined county to another quarantined county, and when so driven pass through quarantined territory in which no systematic tick eradication is being carried on, and do not pass through or along side of any clean territory, said cattle may be driven without dipping."

The amendment was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 218, Section 25, page 21, line 12, after the word "county" by striking out:

"Thence in an easterly direction following the north line of Rusk county to where the same intersects the south line of Harrison county and thence with the south line of Harrison county and the north line of Panola county to the southeast corner of Harrison county and the northeast corner of Panola county on the line of the State of Louisiana," and inserting in lieu thereof the following:

"Thence in a northerly direction following the west line of Gregg county to the south line of Upshur county; thence in a northeasterly direction following the north or northwest line of Gregg county and west line of Harrison county to the northwest corner of said Harrison county; thence in an easterly direction following the north line of Harrison county and the south line of Marion county to the Louisiana State line."

The amendment was adopted.

Mr. Stevenson offered the following (committee) amendment to the bill:

Amend House bill No. 218 by striking out all before the enacting clause and inserting the following:

A bill to be entitled "An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 44 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an act to embody in one act the substance of the provisions of said repealed statutes with substantially the following eliminations and changes, viz.:

1. Abolishing the system of compulsory tick eradication and eradication zones, as provided for in said repealed statutes.

2. Providing for the placing under quarantine of all portions of Texas that are at present infested with the fever-carrying tick.

3. Providing for compulsory tick eradication work, at the expense of the State and the several counties as provided for in this act, such work to commence and be initiated in all tick infest-

ed counties and portions of counties, bounded on the east by the Brazos river, from the mouth of said river to the northwest corner of Robertson county, and all counties north and west of the following lines:

Commencing at the northwest corner of Robertson county, on said Brazos River; thence in an easterly direction with the north lines of Robertson and Leon counties to the northeast corner of Leon county, in the west line of Anderson county; thence in a southerly direction, following the west line of Anderson county, to the southwest corner of said county and northwest corner of Houston county; thence in an easterly direction with the dividing line between said counties of Anderson and Houston to the southeast corner of Anderson county; thence in a northerly direction, following the east line of Anderson county, to the northeast corner of Cherokee county, same being the southwest corner of Smith county; thence in an easterly direction, following the north line of Cherokee county, to the northeast corner of same, being the southeast corner of said Smith county, in the west line of Rusk county; thence with the west line of Rusk county in a northerly direction to the northwest corner of same, said point being the southwest corner of Gregg county; thence in an easterly direction, following the north line of Rusk county, to where the same intersects the south line of Harrison county; thence with the south line of Harrison county and the north line of Panola county to the southeast corner of said Harrison county and the northeast corner of Panola county, on the line of the State of Louisiana; and providing for the prosecution of said compulsory tick eradication work until all of the counties and portions of counties lying west and north of the last above mentioned line or freed of the fever-carrying tick and are released from quarantine by the Live Stock Sanitary Commission of the State of Texas.

4. Prohibiting the owners of livestock in quarantined areas from shipping, driving, or permitting such stock to go, without legally issued permits therefor, into or along the side of any area that is free of fever-carrying ticks or in which systematic tick eradication is being carried on, and prescribing penalties for a violation of said requirement.

5. Prohibiting the owners, caretakers or persons in charge of any cattle in-

fested with the fever-carrying tick from shipping, driving, drifting or permitting said cattle to go into any other county or portion of county within this State that is free of ticks or that may have been released from quarantine by the Live Stock Sanitary Commission of the State of Texas, and providing penalties therefor.

6. Prohibiting any owner or those controlling or caring for any livestock from moving from the land or premises of any person in a county that has been quarantined, livestock on to, through or along the side of the premises or land of any other person in such county, without securing a permit in writing from a duly authorized inspector of the Live Stock Sanitary Commission, and prohibiting the shipping, driving or moving of quarantined livestock in any manner from any county under quarantine into any other county in this State, without first securing a written permit from a duly authorized inspector of the Live Stock Sanitary Commission of the State of Texas; and providing penalties therefor.

7. Requiring all owners or caretakers of any livestock, subject to infestation by the fever-carrying tick, to gather, drive and dip their livestock when infested or exposed to the said fever-carrying tick, upon each regular dipping date; and providing penalties therefor.

8. Providing penalties for the railroads and other common carriers in this State for receiving and transporting any cattle from any quarantined portion of this State to any other portion of this State, without those cattle having been first certified to by a duly authorized inspector of the Live Stock Sanitary Commission of the State of Texas, as being cattle subject to be shipped or transported under the provisions of this act.

9. Permitting livestock to go, on permits of the Live Stock Sanitary Commission or the Bureau of Animal Industry, from all quarantined counties, areas, premises or land to State markets for immediate slaughter after one dipping under official inspection of said Live Stock Sanitary Commission or of said Bureau of Animal Industry, and permitting cattle to go from quarantined to other quarantined counties on one dipping under said official inspection, provided the county to which such cattle are shipped is not engaged in systematic tick eradication, and providing, further, that in moving said cattle to the shipping pens when shipped for immediate slaughter or to another quarantined

county, they shall not pass through, into or along the side of any clean area or any area in which systematic tick eradication is being carried on, and in the case of cattle shipped from one quarantined county to another quarantined county they shall not be unloaded in clean pens, or unloaded in clean pens at the point of destination, and shall not, after they reach the point of destination, be driven or moved through, into or along the side of any clean area; and providing penalties therefor.

10. Permitting livestock to be shipped or moved, on permit, from all quarantine areas into free areas, otherwise than for immediate slaughter, upon such livestock being dipped, until cleaned of ticks and inspected by an authorized inspector of the Live Stock Sanitary Commission, which certificate, among other things, shall recite that said cattle have been dipped until they are cleaned of ticks, and have not been, since being so cleaned, exposed to said fever tick, and providing that said Live Stock Sanitary Commission shall furnish such inspection and permit when requested by the livestock owner to do so; and providing for penalties therefor.

11. Providing for the eradication and control, among cattle, horses, mules, asses, sheep, goats, hogs, and other livestock of this State, of all infectious, contagious and communicable diseases of livestock, known as splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicemia, cattle scabies, hog cholera, Malta fever, foot and mouth disease, rabies, and other contagious and infectious diseases. Providing for a system of quarantine by the Live Stock Sanitary Commission of Texas, and the quarantine of such of the above mentioned livestock, premises, pens, pastures, ranches, yards, counties and parts of counties; authorizing said commission to issue direction for dipping cattle, horses, mules, and asses, for eradicating the fever-carrying tick and cattle scabies; providing for said commission to adopt necessary rules and regulations; providing for the division of the State of Texas into free area, tick eradication area and general quarantine area, and the eradication of the fever-carrying tick (*Magararopic Annulatus*) in the tick eradication area and free area, and providing for said commission to employ supervising inspectors and to appoint county inspectors upon the recommendation of the respective commissioners courts, and to authorize the employment of veterinarians, clerical help, law enforcement assistants and other necessary

help for carrying out the provisions of this act. Providing for the respective commissioners courts, in counties where tick eradication work is being carried on, to furnish and maintain necessary dipping vats, and the expense of paying the salaries of inspectors and furnishing dip to be borne by the State of Texas.

12. Providing for the establishment by the Live Stock Sanitary Commission of such rules and regulations as will require owners of cattle, horses, mules and asses to be dipped in an arsenical solution of not less than seven and one-half pounds and not more than eight and one-half pounds of arsenic to each five hundred gallons of water, for the purpose of destroying and eradicating and removing said fever-carrying tick or exposure; and providing a penalty for refusal of owner, caretaker, or person in charge of said livestock to so dip same and to continue said dipping at intervals of every fourteen days, or such longer time as said Live Stock Sanitary Commission may direct and require in its regulations.

13. Providing and granting authority to any inspector of the Live Stock Sanitary Commission of Texas to go on the premises and land of any owner of livestock in this State, and authorizing them to make an examination of the cattle, horses, mules and asses, to determine whether they are infested with the fever-carrying tick; and providing penalties therefor.

14. Providing for a system of local option tick eradication work, at State expense, in all tick infested counties in Texas in which said work is not now being prosecuted at State and county expense and as provided for in this act, and declaring an emergency.

15. Providing for the employment and payment of supervising and county inspectors and the purchase of necessary dip, at State expense, and providing for the several counties in which systematic tick eradication is being carried on, building, leasing and maintaining dipping vats, pens and other facilities.

16. Providing that any owner, owners, or caretakers of any cattle or other livestock that carry fever-carrying ticks shall gather, drive and dip said cattle after being given notice by the Live Stock Sanitary Commission, or its chairman, so to do, and providing penalties for the failure to comply with said notices as provided for in this act.

17. Providing for the district attor-

ney and the Attorney General to bring suit for mandamus against the county judge and commissioners court, compelling them to furnish necessary dipping vats, pens, chutes, and appliances, and to maintain same, as provided for in this act."

Mr. Stevenson offered the following amendment to the amendment:

Amend House bill No. 218, page 5, Section 12 of the caption by striking out all of said Section 12, and inserting in lieu thereof the following: "Providing for the establishment by the Live Stock Sanitary Commission of such rules and regulations as will require owners of cattle, horses, mules and asses to dip said animals in an arsenical solution of not less than seven and one-half pounds and not more than nine and one-eighth pounds of arsenic to each 500 gallons of water, for the purpose of destroying, eradicating and removing the fever-carrying tick or exposure, and providing a penalty for the refusal of the owner, caretaker or person in charge of said live stock to so dip same, and continue said dipping at intervals of every fourteen days, or such longer time as said Live Stock Sanitary Commission may direct and require in its regulation."

The amendment was adopted.

Mr. Stevenson offered the following amendment to the amendment:

Amend caption of House bill No. 218, page 2, line 21, Section 3, by striking out "thence in an easterly direction, following the north line of Rusk county to where same intersects the south line of Harrison county; thence with the south line of Harrison county and the north line of Panola county to the southeast corner of said Harrison county and the northeast corner of Panola county on the line of the State of Louisiana," and inserting in lieu thereof the following:

"Thence in a northerly direction with the west line of Gregg county to the south line of Upshur county, thence in a northeasterly direction following the north or northwest line of Gregg county and the west boundary of Harrison to the northwest corner of said Harrison county, thence in an easterly direction following the north line of Harrison county and the south line of Marion county to the Louisiana line."

The amendment was adopted.

The amendment to the caption as amended was then adopted.

Mr. Kemble moved the previous question on the engrossment of the bill and the main question was ordered.

House bill No. 218 was then passed to engrossment.

Mr. Stevenson moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP HOUSE BILL NO. 218.

Mr. Stevenson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 218 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—93.

Albritton.	Kenyon.
Alexander	King.
of Bastrop.	Kinnear.
Avis.	Lane of Harrison.
Baker of Orange.	Lipscomb.
Baker of Panola.	Loftin.
Bartlett.	Low.
Bateman.	Mankin.
Bean.	Masterson.
Bedford.	McBride.
Boggs.	McDonald.
Bonham.	McFarlane.
Cade.	McKean.
Carter.	Merritt.
Chitwood.	Montgomery.
Coffey.	Nicholson.
Covey.	Perdue.
Cox of Navarro.	Petsch.
Cummings.	Poage.
Daniels.	Pool.
Davis of Dallas.	Pope.
DeBerry.	Rawlins.
Dielmann.	Rice.
Dinkle.	Rowell.
Donnell.	Rowland.
Downs.	Runge.
Dunlap.	Shearer.
Dunn of Falls.	Simpson.
Dunn of Hopkins.	Sinks.
Durham.	Smith of Nueces.
Enderby.	Smith of Travis.
Faulk.	Smyth.
Fields.	Sparks.
Finlay.	Stautzenberger.
Foster.	Stevens.
Frnka.	Stevenson.
Graves.	Storey.
Gray.	Strong.
Hagaman.	Teer.
Harman.	Thompson.
High.	Tomme.
Hoskins.	Veatch.
Irwin.	Wallace.
Jasper.	Webb.
Johnson.	Wells.
Kemble.	Westbrook.

Wester.
Williamson.

Wilson.
Woodruff.

Nays—20.

Atkinson.	Lane of Hamilton.
Conway.	McGill.
Coody.	Moore.
Cox of Lamar.	Pearce.
Dale.	Rogers.
Davis of Wood.	Sheats.
Florence.	Simmons.
Hall.	Stell.
Harper.	Walker.
Hollowell.	Young.

Present—Not Voting.

Stout.

Wade.

Absent.

Acker.	Jordan.
Alexander	Kittrell.
of Limestone.	Laird.
Barker.	Pavlica.
Blount.	Purl.
Bobbitt.	Raymer.
Brown.	Renfro.
Houston.	Sanford.
Jacks.	

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Farrar.	Parish.
Hull.	Powell.
Jones.	Robinson.
Justice.	Taylor.

HOUSE BILL NO. 42 ON SECOND READING.

On motion of Mr. McDonald, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to regulate and more definitely prescribe the matter of handling trustees around the penitentiaries and the penitentiary farms and repeal all laws and parts of laws in conflict with this act."

The Speaker laid the bill before the House, and it was read second time.

Mr. McDonald offered the following (committee) amendment to the bill:

Amend caption of House bill No. 42 by changing the word "matter" in line 2 and inserting in lieu thereof the word "manner," and strike out all after the first word "and" in line 3 and insert in lieu thereof the words, "declaring an emergency."

Strike out all of Section ten (10) and insert the following:

Sec. 10. It is provided in this act that trustees who run the pumps and other necessary machinery at night upon the prison farms, shall be exempt from the provisions of Section seven (7) of this bill.

Sec. 11. Any member of the Board of Prison Commissioners, or any warden or farm manager, or any other employe of the Board of Prison Commissioners whose duty it is to enforce the provisions of this act who shall fail or refuse to enforce the same shall be subject to removal from office.

Sec. 12. The importance of this legislation and the crowded condition of the calendar creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring that all bills be read in each house on three several days, and that this bill take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House bill No. 42 was then passed to engrossment.

HOUSE BILL NO. 42 ON THIRD READING.

Mr. McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Albritton.	DeBerry.
Alexander	Dielmann.
of Bastrop.	Dinkle.
Alexander	Donnell.
of Limestone.	Downs.
Atkinson.	Dunlap.
Avis.	Enderby.
Baker of Orange.	Faulk.
Baker of Panola.	Fields.
Bateman.	Foster.
Bedford.	Frnka.
Bobbitt.	Graves.
Boggs.	Hall.
Bonham.	Harper.
Brown.	High.
Cade.	Hollowell.
Carter.	Hoskins.
Chitwood.	Irwin.
Coffey.	Jasper.
Conway.	Johnson.
Covey.	Kemble.
Cox of Lamar.	Kenyon.
Cox of Navarro.	King.
Cummings.	Laird.
Dale.	Lane of Hamilton.
Daniels.	Lane of Harrison.
Davis of Dallas.	Low.

Mankin.	Sinks.
Masterson.	Smith of Travis.
McBride.	Smyth.
McDonald.	Stautzenberger.
McGill.	Stell.
McKean.	Stevenson.
Merritt.	Strong.
Montgomery.	Teer.
Moore.	Thompson.
Nicholson.	Tomme.
Pearce.	Veatch.
Perdue.	Wade.
Pope.	Walker.
Rawlins.	Wallace.
Rice.	Webb.
Rowell.	Wells.
Rowland.	Westbrook.
Runge.	Wester.
Sanford.	Williamson.
Shearer.	Wilson.
Sheats.	Woodruff.
Simmons.	Young.
Simpson.	

Nays—4.

Bartlett.	Storey.
Lipscomb.	Stout.

Absent.

Acker.	Jordan.
Barker.	Kinnear.
Bean.	Kittrell.
Blount.	Loftin.
Coody.	McFarlane.
Davis of Wood.	Pavlica.
Dunn of Falls.	Petsch.
Dunn of Hopkins.	Poage.
Durham.	Pool.
Finlay.	Purl.
Florence.	Raymer.
Gray.	Renfro.
Hagaman.	Rogers.
Harman.	Smith of Nueces.
Houston.	Sparks.
Jacks.	Stevens.

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Farrar.	Parish.
Hull.	Powell.
Jones.	Robinson.
Justice.	Taylor.

The Speaker then laid House bill No. 42 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 265 ON SECOND READING.

On motion of Mr. Strong, the regular order of business was suspended to take

up and have placed on its second reading and passage to engrossment,

H. B. No. 265, A bill to be entitled "An Act establishing a State Athletic Commission and regulating the art of boxing and sparring exhibitions or performances in the State of Texas."

The Speaker laid the bill before the House and it was read second time.

Mr. McDonald moved the previous question on the engrossment of the bill and the main question was ordered.

House bill No. 265 then failed to pass to engrossment.

HOUSE BILL NO. 218 ON THIRD READING.

Mr. Young moved to reconsider the vote by which House bill No. 218 failed to receive sufficient vote to suspend the constitutional rule.

The motion to reconsider prevailed.

The constitutional rule requiring bills to be read on three several days was then suspended by the following vote:

Yeas—98.

Albritton.	Hall.
Alexander	Harman.
of Bastrop.	High.
Alexander	Hoskins.
of Limestone.	Jacks.
Baker of Orange.	Jasper.
Baker of Panola.	Johnson.
Bartlett.	Kemble.
Bateman.	Kenyon.
Bean.	King.
Bedford.	Kinnear.
Bobbitt.	Laird.
Boggs.	Lane of Harrison.
Bonham.	Lipscomb.
Cade.	Loftin.
Carter.	Mankin.
Chitwood.	Masterson.
Coffey.	McBride.
Coody.	McDonald.
Covey.	McFarlane.
Cox of Navarro.	McKean.
Cummings.	Merritt.
Daniels.	Montgomery.
Davis of Dallas.	Perdue.
DeBerry.	Petsch.
Dielmann.	Poage.
Dinkle.	Pool.
Donnell.	Pope.
Downs.	Rawlins.
Dunlap.	Renfro.
Durham.	Rice.
Enderby.	Rowell.
Faulk.	Rowland.
Fields.	Runge.
Finlay.	Sanford.
Foster.	Shearer.
Frnka.	Simpson.
Graves.	Sinks.
Gray.	Smith of Nueces.

Smith of Travis.	Veatch.
Smyth.	Wade.
Sparks.	Walker.
Stautzenberger.	Wallace.
Stevens.	Webb.
Stevenson.	Wells.
Storey.	Westbrook.
Stout.	Wester.
Strong.	Williamson.
Teer.	Wilson.
Tomme.	Young.

Nays—18.

Atkinson.	McGill.
Brown.	Moore.
Conway.	Pavlica.
Cox of Lamar.	Pearce.
Dale.	Sheats.
Davis of Wood.	Simmons
Harper.	Stell.
Hollowell.	Thompson.
Lane of Hamilton.	Woodruff.

Absent.

Acker.	Irwin.
Avis.	Jordan.
Barker.	Kittrell.
Blount.	Low.
Dunn of Falls.	Nicholson.
Dunn of Hopkins.	Purl.
Florence.	Raymer.
Hagaman.	Rogers.
Houston.	

Absent—Excused.

Amsler.	Kayton.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Farrar.	Parish.
Hull.	Powell.
Jones.	Robinson.
Justice.	Taylor.

The Speaker then laid House bill No. 218 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—87.

Albritton.	Cummings.
Alexander	Daniels.
of Limestone.	Davis of Dallas.
Baker of Panola.	DeBerry.
Bartlett.	Dielmann.
Bedford.	Donnell.
Bobbitt.	Dunlap.
Boggs.	Durham.
Bonham.	Enderby.
Cade.	Faulk.
Carter.	Fields.
Chitwood.	Finlay.
Coffey.	Foster.
Covey.	Frnka.
Cox of Navarro.	Graves.

Gray.	Renfro.
Hall.	Rice.
Harman.	Rowell.
High.	Rowland.
Hoskins.	Runge.
Jacks.	Shearer.
Jasper.	Simmons.
Johnson.	Simpson.
Kemble.	Sinks.
Kenyon.	Smith of Nueces.
King.	Smyth.
Kinnear.	Sparks.
Lane of Harrison.	Stautzenberger.
Lipscomb.	Stevens.
Loftin.	Stevenson.
Mankin.	Storey.
Masterson.	Stout.
McBride.	Strong.
McDonald.	Teer.
McFarlane.	Veatch.
McGill.	Wade.
McKean.	Wallace.
Merritt.	Webb.
Perdue.	Wells.
Petsch.	Westbrook.
Poage.	Wester.
Pool.	Williamson.
Pope.	Wilson.
Rawlins.	Young.
Raymer.	

Nays—23.

Atkinson.	Moore.
Bean.	Pavlica.
Conway.	Pearce.
Coody.	Rogers.
Cox of Lamar.	Sanford.
Dale.	Sheats.
Davis of Wood.	Stell.
Dinkle.	Thompson.
Harper.	Tomme.
Hollowell.	Walker.
Laird.	Woodruff.
Lane of Hamilton.	

Present—Not Voting.

Baker of Orange.	Downs.
Bateman.	Montgomery.

Absent.

Acker.	Hagaman.
Alexander	Houston.
of Bastrop.	Irwin.
Avis.	Jordan.
Barker.	Kittrell.
Blount.	Low.
Brown.	Nicholson.
Dunn of Falls.	Purl.
Dunn of Hopkins.	Smith of Travis.
Florence.	

Absent—Excused.

Amsler.	Farrar.
Barron.	Hull.
Bird.	Jones.
Bryant.	Justice.

Kayton.	Parish.
Maxwell.	Powell.
McDougald.	Robinson.
McNatt.	Taylor.

HOUSE BILL NO. 291 ON SECOND READING.

On motion of Mr. Masterson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 291, A bill to be entitled "An Act to authorize railroad companies to construct and operate spur or industrial tracks, and to condemn property for right of way therefor, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Dale offered the following amendment to the bill:

Amend House bill No. 291 by adding after the word authorized, in line 23, the following:

"Provided that nothing in this act shall be construed as giving any railroad company power to construct and operate additional spurs or industrial tracks to any industrial enterprise having sufficient spurs or industrial tracks to transport their products over any railroad in this State."

The amendment was adopted.

Mr. Lipscomb offered the following amendment to the bill:

Amend by adding after "every" in line E11, page 1, Section 1, "the electric and steam railroads."

The amendment was lost.

Mr. Wade offered the following amendment to the bill:

Strike out all below the enacting clause and insert in lieu thereof the following:

Section 1. That Article 6504, Title 115, Chapter 8, of Revised Statutes of Texas, 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 6504 (4445). In Case Corporation and Owner Can Not Agree, Etc.—If any railroad corporation shall at any time be unable to agree with the owner for the purchase of any real estate, or the material thereon, required for the purpose of its incorporation or the transaction of its business, for its depots, station buildings, machine and repair shops, for the construction of reservoirs for the water supply, or for the right of way, or for a new or additional right of way, for change, or relocation of roadbed, to shorten the line, or any part thereof, or to reduce its

grades, or any of them, or for double tracking its railroad or constructing and operating its tracks, or for the purpose of constructing and operating spur or industrial tracks designed to reach or serve industries or industrial enterprises, which is hereby authorized and permitted or for any other lawful purpose connected with or necessary to the building, operating or running its road, such corporation may acquire such property in the manner provided in this chapter; provided, that the limitation in width prescribed in Article 6484, Revised Statutes, 1911, shall not apply to real estate, or any interest therein, required for the purposes herein mentioned, other than right of way, and shall not apply to right of way when necessary for double tracking or constructing or adding additional railroad tracks, and that real estate, or any interest therein, to be acquired for such other purposes, or any of them, need not adjoin or abut on the right of way; provided further, that no change of the line through any city or town, or which shall result in the abandonment of any station or depot, shall be made, except upon written order of the Railroad Commission of Texas, authorizing such change; provided further, that no railroad corporation shall undertake the construction or operation of a spur or industrial track unless and until there shall first have been obtained from the Railroad Commission of Texas a certificate that the present or future public convenience and necessity require or will require the construction or operation, or construction and operation, of such spur or industrial track; and provided, further, that no railroad corporation shall have the right under this act to condemn or acquire any land for the purposes mentioned in this article situated more than two miles from the main line right of way of such railroad corporation; and provided further, that nothing herein shall be construed to repeal or limit the provisions of Section 1, Chapter 93, of an act passed at the Fourth Called Session of the Thirty-fifth Legislature, approved April 13, 1918.

Section 2. The fact that it is now doubtful whether railroad corporations can condemn or acquire right of way for the purpose of constructing and operating spur or industry tracks and that the public interest would be promoted by the exercise of such powers, creates an emergency and an imperative public ne-

cessity requiring the suspension of the constitutional rule requiring that all bills shall be read on three several days, and said rule is suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Kemble, further consideration of the bill was postponed until 3 o'clock p. m. next Friday.

HOUSE BILL NO. 250 ON SECOND READING.

On motion of Mr. Wallace, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 250, A bill to be entitled "An Act to amend Article 384 of the Penal Code of the State of Texas, enlarging the exceptions therein stated, so that Article 381 and Article 382 of the Penal Code of the State of Texas shall not apply to members of the Legislature, who, by reason of physical infirmities, require a personal attendant, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 250 ON THIRD READING.

Mr. Wallace moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Albritton.	Daniels.
Alexander	Davis of Dallas.
of Bastrop.	Davis of Wood.
Baker of Orange.	Dielmann.
Baker of Panola.	Dinkle.
Bartlett.	Donnell.
Bateman.	Downs.
Bean.	Dunlap.
Bedford.	Enderby.
Bobbitt.	Faulk.
Boggs.	Fields.
Brown.	Finlay.
Cade.	Florence.
Carter.	Foster.
Chitwood.	Graves.
Coffey.	Gray.
Conway.	Harman.
Coody.	Harper.
Covey.	High.
Cox of Navarro.	Hollowell.
Cummings.	Jasper.
Dale.	Johnson.

Kayton.	Runge.
Kemble.	Sanford.
Kenyon.	Shearer.
King.	Sheats.
Kinnear.	Simmons.
Laird.	Simpson.
Lane of Harrison.	Sinks.
Lipscomb.	Smith of Nueces.
Loftin.	Stautzenberger.
Mankin.	Stell.
McBride.	Stevens.
McDonald.	Stevenson.
McFarlane.	Storey.
McGill.	Stout.
McKean.	Strong.
Merritt.	Teer.
Montgomery.	Thompson.
Nicholson.	Veatch.
Pavlica.	Walker.
Pearce.	Wallace.
Petsch.	Wells.
Poage.	Westbrook.
Pope.	Wester.
Raymer.	Williamson.
Rogers.	Young.
Rowell.	

Nays—8.

Cox of Lamar.	Pool.
Lane of Hamilton.	Wade.
Moore.	Webb.
Perdue.	Woodruff.

Present—Not Voting.

Jacks.	Renfro.
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Absent.

Acker.	Houston.
Alexander	Irwin.
of Limestone.	Jordan.
Atkinson.	Kittrell.
Avis.	Low.
Barker.	Masterson.
Blount.	Purl.
Bonham.	Rawlins.
DeBerry.	Rice.
Dunn of Falls.	Rowland.
Dunn of Hopkins.	Smith of Travis.
Durham.	Smyth.
Frnka.	Sparks.
Hagaman.	Tomme.
Hall.	Wilson.
Hoskins.	

Absent—Excused.

Amsler.	Maxwell.
Barron.	McDougald.
Bird.	McNatt.
Bryant.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.
Justice.	

The Speaker then laid House bill No. 250 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103.

Albritton.	Laird.
Alexander	Lane of Hamilton.
of Bastrop.	Lane of Harrison.
Alexander	Loftin.
of Limestone.	Mankin.
Baker of Orange.	Masterson.
Baker of Panola.	McBride.
Bartlett.	McDonald.
Bateman.	McFarlane.
Bean.	McGill.
Bedford.	McKean.
Bobbitt.	Merritt.
Boggs.	Montgomery.
Brown.	Moore.
Cade.	Nicholson.
Carter.	Pavlica.
Chitwood.	Pearce.
Coffey.	Perdue.
Conway.	Petsch.
Coody.	Poage.
Covey.	Pool.
Cox of Lamar.	Pope.
Cox of Navarro.	Rawlins.
Cummings.	Rogers.
Dale.	Rowland.
Daniels.	Runge.
Davis of Dallas.	Sanford.
Davis of Wood.	Shearer.
Dielmann.	Sheats.
Dinkle.	Simmons.
Donnell.	Simpson.
Downs.	Sinks.
Dunn of Falls.	Smith of Nueces.
Enderby.	Smyth.
Faulk.	Stautzenberger.
Florence.	Stell.
Foster.	Stevens.
Graves.	Storey.
Gray.	Stout.
Hall.	Strong.
Harman.	Teer.
Harper.	Thompson.
High.	Tomme.
Hollowell.	Veatch.
Hoskins.	Walker.
Irwin.	Wallace.
Jacks.	Wells.
Jasper.	Westbrook.
Johnson.	Wester.
Kemble.	Williamson.
Kenyon.	Wilson.
King.	Young.
Kinnear.	

Nays—7.

Atkinson.	Raymer.
Fields.	Webb.
Kayton.	Woodruff.
Lipscomb.	

Present—Not Voting.

Rice.	Wade.
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Absent.

Acker.	Houston.
Avis.	Jordan.
Barker.	Kittrell.
Blount.	Low.
Bonham.	Purl.
DeBerry.	Renfro.
Dunn of Hopkins.	Rowell.
Durham.	Smith of Travis.
Finlay.	Sparks.
Frnka.	Stevenson.
Hagaman.	

Absent—Excused.

Amsler.	Justice.
Barron.	Maxwell.
Bird.	McDougald.
Bryant.	McNatt.
Dunlap.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.

HOUSE BILL NO. 277 ON SECOND
READING.

On motion of Mr. Kemble, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 277, A bill to be entitled "An Act to provide for the issuance of oil and gas leases on University land and continuing in force all other laws relating to the issuance of oil and gas permits and development of oil and gas on University lands, except such laws and parts of laws as may be in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 277 ON THIRD
READING.

Mr. Kemble moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 277 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

Albritton.	Bobbitt.
Alexander	Boggs.
of Bastrop.	Cade.
Atkinson.	Carter.
Avis.	Chitwood.
Baker of Orange.	Coffey.
Baker of Panola.	Conway.
Bartlett.	Coody.
Bateman.	Covey.
Bean.	Cox of Navarro.
Blount.	Cummings.

Dale.
Daniels.
Davis of Dallas.
Davis of Wood.
DeBerry.
Dielmann.
Dinkle.
Donnell.
Downs.
Dunn of Falls.
Enderby.
Faulk.
Fields.
Finlay.
Florence.
Foster.
Frnka.
Gray.
Hall.
Harman.
Harper.
High.
Hoskins.
Jacks.
Jasper.
Johnson.
Kayton.
Kemble.
King.
Kinnear.
Lane of Harrison.
Lipscomb.
Loftin.
Mankin.
McBride.
McFarlane.
McGill.
McKean.
Merritt.
Montgomery.
Nicholson.

Pavlica.
Pearce.
Perdue.
Petsch.
Pool.
Pope.
Rawlins.
Raymer.
Rice.
Rogers.
Rowland.
Runge.
Sanford.
Shearer.
Sheats.
Simmons.
Simpson.
Sinks.
Smith of Nueces.
Smith of Travis.
Smyth.
Sparks.
Stautzenberger.
Stell.
Stevens.
Storey.
Stout.
Strong.
Teer.
Thompson.
Veatch.
Wade.
Walker.
Wallace.
Webb.
Wells.
Westbrook.
Wester.
Williamson.
Wilson.
Woodruff.

Nays—8.

Bedford.	Laird.
Cox of Lamar.	Moore.
Graves.	Poage.
Hollowell.	Tomme.

Present—Not Voting.

Renfro.	Young.
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Absent.

Acker.	Jordan.
Alexander	Kenyon.
of Limestone.	Kittrell.
Barker.	Lane of Hamilton
Bonham.	Low.
Brown.	Masterson.
Dunn of Hopkins.	McDonald.
Durham.	Purl.
Hagaman.	Rowell.
Houston.	Stevenson.
Irwin.	

Absent—Excused.

Amsler.	Bird.
Barron.	Bryant.

Dunlap.	McDougald.
Farrar.	McNatt.
Hull.	Parish.
Jones.	Powell.
Justice.	Robinson.
Maxwell.	Taylor.

The Speaker then laid House bill No. 277 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Albritton.	Lipscomb.
Alexander	Loftin.
of Bastrop.	Mankin.
Atkinson.	McDonald.
Baker of Orange.	McDougald.
Baker of Panola.	McFarlane.
Bartlett.	McGill.
Bedford.	McKean.
Blount.	Merritt.
Bobbitt.	Moore.
Boggs.	Nicholson.
Cade.	Pavlica.
Carter.	Pearce.
Chitwood.	Perdue.
Coffey.	Petsch.
Conway.	Poage.
Coody.	Pool.
Covey.	Pope.
Cox of Lamar.	Rawlins.
Cox of Navarro.	Raymer.
Dale.	Rogers.
Davis of Dallas.	Rowland.
Davis of Wood.	Runge.
DeBerry.	Sanford.
Dielmann.	Shearer.
Dinkle.	Sheats.
Donnell.	Simmons.
Downs.	Simpson.
Dunlap.	Smith of Nueces.
Dunn of Falls.	Smith of Travis.
Enderby.	Smyth.
Faulk.	Sparks.
Fields.	Stautzenberger.
Finlay.	Stell.
Florence.	Stevens.
Foster.	Storey.
Frnka.	Stout.
Gray.	Strong.
Hagaman.	Teer.
Harman.	Thompson.
Harper.	Veatch.
High.	Wade.
Hollowell.	Walker.
Hoskins.	Wallace.
Irwin.	Webb.
Jacks.	Wells.
Jasper.	Westbrook.
Johnson.	Wester.
Kayton.	Williamson.
Kemble.	Wilson.
King.	Woodruff.
Lane of Harrison.	Young.

Nays—5.

Bean.	Laird.
Cummings.	Tomme.
Graves.	
	Absent.
Acker.	Kenyon.
Alexander	Kinnear.
of Limestone.	Kittrell.
Avis.	Lane of Hamilton.
Barker.	Low.
Bateman.	Masterson.
Bonham.	McBride.
Brown.	Montgomery.
Daniels.	Purl.
Dunn of Hopkins.	Renfro.
Durham.	Rice.
Hall.	Rowell.
Houston.	Sinks.
Jordan.	Stevenson.

Absent—Excused.

Amsler.	Justice.
Barron.	Maxwell.
Bird.	McNatt.
Bryant.	Parish.
Farrar.	Powell.
Hull.	Robinson.
Jones.	Taylor.

BILL RE-REFERRED.

On motion of Mr. Bobbitt, Senate bill No. 84 was re-referred to the Judiciary Committee.

RELATING TO ADDRESS BY HON. HAMILTON HOLT.

Mr. Raymer, by unanimous consent, offered the following resolution:

Whereas, Through a misunderstanding of some of the members of this House regarding the time for the Honorable Hamilton Holt to address a joint session of the House and Senate, and

Whereas, The Senate has extended an invitation to Mr. Holt to address them at 11 o'clock a. m. Tuesday, February 10, and the invitation has been accepted; therefore, be it

Resolved by the House of Representatives, That the Senate be invited to meet with them in joint session at 10:59 a. m., Tuesday, February 10, for the purpose of hearing the address of Mr. Holt at that time.

Signed—Raymer, Smith of Travis.

The resolution was read second time.

Mr. McFarlane offered the following amendment to the resolution:

Amend by striking out "11" and insert "8 p. m."

The amendment was lost.

Question then recurring on the resolution, it was adopted.

ADJOURNMENT.

Mr. Teer moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Webb moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Teer prevailed and the House, accordingly, at 5 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Appropriations—House bill No. 97.

Education—House bills Nos. 26, 377, 387, and Senate bill No. 143.

Public Health—House bill No. 397.

State Affairs—Senate bills Nos. 175, 345, 394.

Judiciary—Senate bill No. 137, and House bills Nos. 224, 393.

School Districts — House bills Nos. 189, 352, 363, 390, 385, 371, 401, 376, 354, and Senate bills Nos. 163, 216, 179, 167.

The following committees have filed unfavorable reports on bills as follows:

State Affairs—House bills Nos. 3, 326, 333.

Judiciary—House bill No. 268.

Municipal and Private Corporations—House bill No. 226.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 9, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 285, A bill to be entitled "An Act to create the Kitchens Common School District in Menard county, Texas, including therein the present Kitchens Common School District No. 8 in Menard county; providing a board of trustees therefor; vesting said common school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts incorporated under the general laws of Texas; and providing for a board of trustees to serve until the time

for the next election of school trustees as provided by general law; providing for the validation of all contracts, bonds or other valid indebtedness and tax levies of the present Kitchens District No. 6, as the subsisting obligations and acts of the Kitchens Common School District as created by this act, and declaring an emergency,"

And find the same correctly engrossed.
ROWELL, Chairman.

Committee Room,
Austin, Texas, February 9, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 317, A bill to be entitled "An Act creating and incorporating the Fivemile Independent School District in Dawson county, Texas, out of territory now composing Common School District No. 21 in said county; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Fivemile Independent School District shall assume all the obligations and indebtedness of said Common School District No. 21; vesting title to property of said Common School District No. 21 in Fivemile Independent School District; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said district; providing for the election and terms of office of trustees thereof, and declaring an emergency,"

And find the same correctly engrossed.
ROWELL, Chairman.

Committee Room,
Austin, Texas, February 9, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 262, A bill to be entitled "An Act to create the Timpson Independent School District in Shelby county, Texas, to provide for the election of trustees, for the raising of revenue, issuing bonds, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, providing

for extension of boundaries, and declaring an emergency,"

And find the same correctly engrossed.
ROWELL, Chairman.

Committee Room,
Austin, Texas, February 9, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 270, A bill to be entitled "An Act creating and incorporating the Melvin Independent County Line School District lying in the counties of McCulloch and Concho in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the general laws governing independent districts; providing that no outstanding indebtedness of the Melvin County Line District be invalidated, and declaring an emergency,"

And find the same correctly engrossed.
ROWELL, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, February 7, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 122, "An Act validating the proceedings of the county school trustees of Jim Wells county, Texas, in changing the boundaries of Alice Independent School District in said Jim Wells county and validating all proceedings had with respect to levying a tax of \$1 upon the \$100 valuation of all the taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000 of school building bonds and authorizing their issuance, and repealing all laws in conflict, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, February 6, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 5, "An Act creating and incorporating Common School District No.

16 of Jefferson county, Texas; defining and determining the boundaries of said school district; prescribing the manner of changing and modifying the boundaries of said school district; conferring upon said school district, except as otherwise provided in this act, all the rights, powers, privileges and duties as are conferred and imposed by the general laws of this State upon common school districts; providing for a board of district trustees and prescribing the qualifications for members thereof; continuing in office the district trustees of the previously existing common school district until the expiration of their respective terms of office and until their successors are elected and qualified under the general laws of this State; vesting the board of district trustees, except as otherwise provided in this act, with all the rights, powers, privileges and duties that are conferred and imposed by the general laws of this State upon district trustees of common school districts; vesting the management and control of the public free schools in said school district in a board of district trustees consisting of three members; providing that the board of district trustees shall be a body politic and corporate in law, may contract and be contracted with, may sue and be sued, may plead and be impleaded, and may receive any gift, grant, donation or devise for the use and benefit of the public free schools in said school district; vesting in said school district, its board of district trustees and their successors in office, absolute title to all property and school funds heretofore vested in and belonging to the previously existing common school district; validating all maintenance taxes heretofore voted and levied in said previously existing common school district and continuing the same in full force and effect until modified as provided in this act; validating all bonds issued and all bond taxes levied for and on behalf of said previously existing common school district; authorizing the issuance of bonds and limiting the rate of maintenance tax and the rate of bond tax that may be voted, levied, assessed and collected in said school district; prescribing the purposes for which maintenance taxes and bond taxes are authorized by this act and the disposition of the funds derived from said taxes; providing that this act shall not impair or invalidate any bonds, contracts, obligations and debts of the previously existing common school district; providing that all the bonds, contracts, obligations and debts of said previously existing

common school district shall constitute valid and binding obligations upon said school district as created by this act; providing that said school district shall assume, pay off and discharge all bonds, contracts, obligations and debts of said previously existing common school district; providing that this act shall, except as herein otherwise provided, be cumulative of all general laws of this State applicable to common school districts, and that in case of conflict the provisions of this act will control; repealing all laws and parts of laws in so far as they are or may be in conflict with this act; providing that in case any clause, section or sections of this act shall be held by the courts to be ineffective or unconstitutional, such decision by the courts shall not affect or invalidate the remaining sections and provisions of this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, February 9, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 160, "An Act to create the Muleshoe Independent School District in Bailey county, Texas; including the present Muleshoe Consolidated Common School District No. 1 of said county, and also including Sections 22 and 23, in Block Y out of Hurley Common School District No. 1 of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Muleshoe Consolidated Common School District No. 1 shall continue to act as such until their successors are elected in accordance with the general laws of Texas; providing board of trustees to have power to appoint a tax assessor and collector and board of equalization of said district; providing that outstanding bonds shall remain chargeable against the territory which voted same, and providing that the local tax assessment as heretofore existed in the Muleshoe Consolidated School District herein created; repealing all laws in conflict therewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, February 6, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 152, "An Act validating Common School District No. 3 of Huds-peth county, and validating a maintenance tax election heretofore held by said district; defining the powers of the county board of school trustees of Huds-peth county of said district, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, February 7, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 172, "An Act to create the Caddo Independent School District of Stephens county, Texas, including therein a part of the present Caddo Common School District No. 10; providing a board of trustees therefor; vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general law, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, February 6, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 141, "An Act creating and incorporating Holliday Independent School District in Archer county, Texas; defining its boundaries; conferring upon said school district all the powers, rights, privileges and duties as are conferred and imposed by the general laws of the State of Texas upon independent school districts; providing for a board of trustees for said school district to consist

of seven persons, and prescribing the qualifications and terms of office for members thereof; vesting said trustees and said board of trustees with all the rights, powers privileges and duties as are conferred and imposed by the general laws of the State of Texas upon trustees and boards of trustees of independent school districts; vesting the management and control of the public free schools in said school district in said board of trustees as provided in this act; providing for the election of a board of trustees and their successors in office; providing that said board of trustees shall be a body politic and corporate in law, and as such may contract and be contracted with, may sue and be sued, may plead and be impleaded, and may receive any gift, grant, donation or devise made to and for the use and benefit of the public free schools in said school district."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

TWENTY-THIRD DAY.

(Tuesday, February 10, 1925.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Cummings.
Albritton.	Dale.
Alexander	Daniels.
of Bastrop.	Davis of Dallas.
Alexander	Davis of Wood.
of Limestone.	DeBerry.
Atkinson.	Dielmann.
Avis.	Dinkle.
Baker of Orange.	Donnell.
Baker of Panola.	Downs.
Barron.	Dunlap.
Bartlett.	Dunn of Falls.
Bateman.	Dunn of Hopkins.
Bean.	Durham.
Bedford.	Enderby.
Blount.	Farrar.
Bobbitt.	Faulk.
Boggs.	Fields.
Bonham.	Finlay.
Brown.	Florence.
Cade.	Frnka.
Carter.	Graves.
Chitwood.	Gray.
Coffey.	Hagaman.
Conway.	Hall.
Coody.	Harman.
Covey.	Harper.
Cox of Lamar.	High.
Cox of Navarro.	Hollowell.

Hoskins.	Purl.
Irwin.	Raymer.
Jacks.	Renfro.
Jasper.	Rice.
Johnson.	Rogers.
Jordan.	Rowell.
Kayton.	Rowland.
Kemble.	Runge.
King.	Sanford.
Kinnear.	Shearer.
Kittrell.	Sheats.
Laird.	Simmons.
Lane of Hamilton.	Simpson.
Lane of Harrison.	Sinks.
Lipscomb.	Smith of Nueces.
Loftin.	Smith of Travis.
Low.	Smyth.
Mankin.	Sparks.
Masterson.	Stautzenberger.
McBride.	Stell.
McDonald.	Storey.
McDougald.	Stout.
McFarlane.	Strong.
McGill.	Teer.
McKean.	Thompson.
McNatt.	Tomme.
Merritt.	Veatch.
Montgomery.	Wade.
Moore.	Walker.
Nicholson.	Wallace.
Parish.	Webb.
Pavlica.	Wells.
Pearce.	Westbrook.
Perdue.	Wester.
Petsch.	Williamson.
Poage.	Wilson.
Pool.	Woodruff.
Pope.	Young.
Powell.	

Absent.

Barker.	Kenyon.
Foster.	Stevens.
Houston.	Stevenson.
Justice.	

Absent—Excused.

Amsler.	Maxwell.
Bird.	Rawlins.
Bryant.	Robinson.
Hull.	Taylor.
Jones.	

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Amsler for today, on motion of Mr. Alexander of Bastrop.

Mr. Jones for today, on motion of Mr. McDougald.

Mr. Rawlins for today, on motion of Mr. Bobbitt.